



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 16, 1997

Mr. John Steiner
Division Chief
City of Austin law Department
P.O. Box 1546
Austin, Texas 78767-1546

OR97-2054

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 108637.

The Austin Police Department received a request for the taped 911 call made by the requestor on May 9, 1997. You claim that the requested information is excepted from required public disclosure by section 552.103 and 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the information at issue.

Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108. Generally, a governmental body claiming an exception under section 552.108 must reasonably explain, if the information does not supply the explanation on its face, how and why the release of the requested information would interfere with law enforcement. *See* Gov't Code §§ 552.108(a)(1), (b)(1), .301(b)(1); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You explain that the requested information relates "to a traffic case in Municipal Court set for hearing." It appears that criminal enforcement and prosecution are pending. Because you have shown that the release of the requested information would interfere with the detection, investigation and prosecution of crime, we conclude that the requested information may be withheld under section 552.108(a)(1). You may choose, however, to release all or part of the information at issue that is not otherwise confidential by law. Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 108637

Enclosures: Submitted Information

cc: Ms. Susan Gothard
3303 Rosefinch Trail
Austin, Texas 78746
(w/o enclosures)