



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 5, 1997

Captain Robert Taylor  
City of Amarillo Police Department  
200 East 3rd  
Amarillo, Texas 79101-1514

OR97-2442

Dear Captain Taylor:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 109845.

The Amarillo Police Department (the "department") received a request for its file on a certain automobile accident. You state that you do not seek to withhold from the requestor the peace officer's accident report. However, you ask whether the remaining information is excepted from required public disclosure based on sections 552.101 and 552.108 of the Government Code.

The Seventy-fifth Legislature amended section 552.108 of the Government Code to read in pertinent part as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication;

...

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

See Act of June 1, 1997, 75<sup>th</sup> Leg., R.S., ch. 1232, 1997 Tex. Sess. Law Serv. 4697 (Vernon) (to be codified at Government Code section 552.108). You have not informed this office of the status of the case. Thus, you have not established the applicability of section 552.108 to the requested information. See Open Records Decision No. 363 (1983).

Section 552.101 excepts from required public disclosure information considered to be confidential by law, either statutory, constitutional, or by judicial decision. You have not explained how section 552.101 applies to the requested information. Accordingly, we cannot conclude that the department must withhold the information from the requestor based on section 552.101.

We are resolving this matter with this 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 may 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,



Kay Hastings  
Assistant Attorney General  
Open Records Division

KH/rho

Ref.: ID# 109845

Enclosures: Submitted documents

cc: Ms. Janet Kroeger, CLA  
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(w/o enclosures)