



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 29, 1997

Mr. David M. Douglas
Assistant Chief, Legal Services
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR97-2832

Dear Mr. Douglas:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 111601.

The Texas Department of Public Safety (the "department") received an open records request for all records pertaining to the hijacking of a ShuttleKing bus on Interstate 20 near Tyler. You seek to withhold the requested information pursuant to sections 552.103 and 552.108 of the Government Code.

Section 552.108(a) of the Government Code, as amended by the Seventy-fifth Legislature, exempts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if (1) release of the information would interfere with the detection, investigation, or prosecution of crime" Because you have informed this office that the records at issue pertain to pending criminal prosecution, we conclude that you have met your burden of establishing that the release of the requested information at this time would interfere with law enforcement or prosecution. You therefore may withhold most of the requested information at this time pursuant to section 552.108(a)(1).

Please note, however, that section 552.108 does not except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). We further note that basic information about an offense may not be withheld from the public pursuant to section 552.103. See Open Records Decision No. 597 (1991). Because you have raised no other exception to disclosure, the department must release these types of information in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ *ref'd n.r.e. per*

curiam, 536 S.W.2d 559 (Tex. 1976). See also Open Records Decision No. 127 (1976) (summarizing *Houston Chronicle*).

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,



Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/RWP/ch

Ref.: ID# 111601

Enclosures: Submitted documents

cc: Ms. Valerie Felner
Legal Assistant
Strasburger & Price, L.L.P.
901 Main Street, Suite 4300
Dallas, Texas 75202
(w/o enclosures)