



February 16, 1999

Mr. Frank M. Crull
Assistant General Counsel
Texas Department of Public Safety
5808 N. Lamar Boulevard
Austin, Texas 78773-0001

OR99-0460

Dear Mr. Crull:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 122021.

The Texas Department of Public Safety (the "department") received a request for all information concerning a motor vehicle accident which occurred on April 21, 1998 on U.S. Highway 77 near Giddings, Texas involving five fatalities. You indicate that you will release the accident report concerning the accident. You contend that all remaining responsive information is excepted from required public disclosure by section 552.103 of the Government Code.

We decided in Open Records Letter No. 98-2865 (1998) that the department could withhold the information at issue here under section 552.103. You have explained that litigation is still anticipated and that the circumstances present in the previous ruling remain applicable. We conclude that you may continue to rely upon our previous ruling regarding the requested information. *See* Open Records Decision 586 (1991) (need of another governmental body to withhold the information may provide a compelling reason for nondisclosure). Consequently, you may withhold the responsive information under section 552.103. You must, however, also release the information outlined in our previous ruling, including the accident reconstruction report and certain photographs. Gov't Code §§ 552.007(b); .223; Open Records Letter No. 98-2865 at 1 n.1, 2 (1998).

If you have questions about this ruling, please contact our office.

Sincerely,

Don Ballard
Assistant Attorney General
Open Records Division

JDB\nc

Ref: ID# 122021

Enclosures: Submitted documents

cc: Mr. John C. Wilson
Attorney at Law
P.O. Box 1584
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(w/Open Records Letter No. 98-2865 (1998))