



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 11, 2014

Ms. Victoria Pearce
Assistant General Counsel
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR2014-12003

Dear Ms. Pearce:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 528854 (DPS PIR# 14-1557).

The Texas Department of Public Safety (the "department") received a request for information pertaining to a specified accident, including all accident reports, arrest records, intoxication tests and results for the drivers involved, as well as all associated videos and photographs. You state you have released basic information to the requestor. *See Gov't Code* § 552.108(c) (basic information about an arrest, arrested person, or crime cannot be withheld under section 552.108). You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

Section 552.108 of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]" *Gov't Code* § 552.108(a)(1). A governmental

¹We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See Open Records Decision* Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

body must reasonably explain how and why section 552.108 is applicable to the information at issue. *See id.* §§ 552.108, .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the information at issue relates to an ongoing investigation. You further state release of the information at issue would interfere with the investigation and prosecution of this case. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court delineates law enforcement interests that are present in active cases), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Based on these representations and our review, we conclude section 552.108(a)(1) is applicable to the information at issue.

However, the submitted information includes a DIC-24 Statutory Warning and a DIC-25 Notice of Suspension. We note, the department provided copies of these forms to the arrestee. You have not explained how releasing this information, which has already been seen by the arrestee, would interfere with the detection, investigation, or prosecution of crime. *See Gov't Code* § 552.108(a)(1). Therefore, with the exception of the DIC-24 and DIC-25 forms, the department may withhold the responsive information under section 552.108(a)(1) of the Government Code.

We note the DIC-24 and DIC-25 forms contain information subject to section 552.130 of the Government Code.² Section 552.130 provides information relating to a motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country is excepted from public release. *Gov't Code* § 552.130(a)(1). Thus, the department must withhold the driver's license information we have marked under section 552.130 of the Government Code.

In summary, with the exception of the DIC-24 and DIC-25 forms, the department may withhold the responsive information under section 552.108(a)(1) of the Government Code. The department must withhold the driver's license information within the DIC-24 and DIC-25 forms we have marked under section 552.130 of the Government Code. The remaining information in the DIC-24 and DIC-25 forms must be released.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at <http://www.texasattorneygeneral.gov/open/>

²The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body but ordinarily will not raise other exceptions. *See Open Records Decision Nos.* 481 (1987), 480 (1987), 470 (1987).

[url_ruling_info.shtml](#), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read 'JBW', is written over the printed name 'Joseph Benke'.

Joseph Benke
Assistant Attorney General
Open Records Division

JB/som

Ref: ID# 528854

Enc. Submitted documents

c: Requestor
(w/o enclosures)