

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N. LAMAR BLVD.-BOX 4087-AUSTIN, TEXAS 78773-0001
512/465-2000



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RO-537

February 12, 1993

The Honorable Dan Morales
Attorney General of Texas
Price Daniel, Sr., Building
209 W. 14th Street
Austin, Texas

Re: Open Records Request

Dear General Morales:

Pursuant to Section 7 of the Texas Open Records Act, Article 6252-17a, V.T.C.S., the Texas Department of Public Safety hereby requests a decision as to whether certain information is exempt from public disclosure under Section 3(a)(1) of the Open Records Act.

Attached as Exhibit A is a letter written by Dianna Hunt requesting information concerning:

"All traffic tickets issued by the cities of Hedwig Village, Hunters Creek Village, Bunker Hill Village, Piney Point Village, Spring Valley Village and Hilshire Village for 1992, and to whom those tickets were issued, including the individuals name, address, age, sex and race."

Attached as Exhibit B is a letter to Dianna Hunt dated January 27, 1993 denying her Open Records request. The basis for this denial was that this information could not be retrieved without the Data Processing Division having to create an extensive new computer program. The department believes that the creation of such a program was not required by the Open Records Act.

Exhibit C is a letter dated February 5, 1993 from Dianna Hunt. Ms. Hunt disagrees with out determination and requests that we seek an opinion from the Attorney General's office.

It is my understanding from our Data Processing Division that it would take a minimum of a day for a Data Programmer to create the type of program that could retrieve the information which Ms. Hunt seeks. The actual running of the program would take about an hour. The Data Processing Division is currently creating programs to implement several new state and federal drivers' license laws. The

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Data Processing Division does not have time to devote to the creation of new computer programs for outside individuals.

The department believes that the creation of this type of program is not required by the Open Records Act. See Open Records Decision JM-672.

The department also believes that the creation of a list containing the names of individuals who receive citations from the governmental entities listed above would require the department to create a class-type listing. The creation of such a listing is prohibited under Section 21(j)(3) of Article 6687b, V.T.C.S.

Please let me know if you have any questions or need any additional information.

Sincerely,



Charles Karakashian, Jr.
Assistant General Counsel

CK:bif
Enclosures