

TEXAS DEPARTMENT OF PUBLIC SAFETY

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3:04-CV-1506-H

April 5, 2001

Honorable John Cornyn
Attorney General of Texas
Attn: Open Records
209 W. 14th Street, 6th Floor
Austin, Texas 78701

Re: Public Information Request by Tibor G. Balogh for information regarding the search of his vehicle on March 4, 2001. ORA01-276

DATE THIS REQUEST RECEIVED: 03/22/01

DATE REQUEST FOR ATTORNEY GENERAL DECISION FAXED TO A.G.: 04/05/01

DATE REQUEST FOR ATTORNEY GENERAL DECISION HAND-DELIVERED TO A.G.: 04/05/01.

Dear General Cornyn:

The requestor filed this Open Records request on March 22, 2001. The request pertains to a search of Mr. Balogh's vehicle on March 4, 2001.

Mr. Balogh has requested the Department provide him with video and audio evidence regarding the search of his motor home on March 4, 2001. The Department believes the information responsive to Mr. Balogh's request is excepted from disclosure pursuant to Section 552.103(a), Government Code. This provision excepts from required public disclosure information relating to litigation of a civil nature in which the state is or may be a party or to which an officer or an employee of the state, as a consequence of the person's office or employment, is or may be a party. In Attorney General decision ORD No. 638, your office held that a governmental entity's burden under this exception is two-pronged. First, the government entity must show that litigation is reasonably anticipated. Second, it must show that the requested information relates to that litigation.