



**THE ATTORNEY GENERAL  
OF TEXAS**

February 23, 1989

**JIM MATTOX  
ATTORNEY GENERAL**

Honorable Patrick Morris  
District Attorney  
271st Judicial District  
Wise County, Texas  
P. O. Box 306  
Decatur, Texas 76234

Dear Mr. Morris:

This will acknowledge receipt of your February 14, 1989, letter regarding ID# 5676. This decision is OR89-71.

Although the Texas Open Records Act incorporates protection for certain law enforcement information, see V.T.C.S. art. 6252-17a, §§ 3(a)(3), (8), the act is not rendered inapplicable simply because a criminal case is pending. The applicability of the act's exceptions depends on the nature of the information and the circumstances surrounding its collection.

Our last letter set forth clearly the act's requirements and your burden of proof under the act. Because you failed to request a decision as required in section 7 of the act, the information requested is presumed public.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR89-71.

Yours very truly,

*Open Government Section  
of the Opinion Committee* 

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of the Opinion Committee  
Prepared by Jennifer S. Riggs

JSR/bc

Ref.: ID# 5676  
ID# 5467