



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 10, 1992

Mr. Mark E. Dempsey
Assistant City Attorney
City of Garland
P. O. Box 469002
Garland, Texas 75046-9002

OR92-56

Dear Mr. Dempsey:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14773.

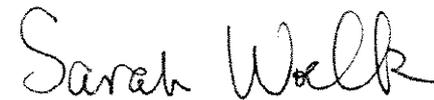
You have received a request for "all reports, statements, affidavits, photographs, drawings or other documents pertaining to an incident/fire" at a specified address. (Emphasis in original.) You claim that, with the exception of the first page of the offense report, the requested information is excepted from required public disclosure by section 3(a)(8) of the Open Records Act.

You advise us that the requested information relates to a pending criminal prosecution. Where an incident involving allegedly criminal conduct is still under active investigation or prosecution, section 3(a)(8) may be invoked by any proper custodian of records to information that relates to the incident. Open Records Decision No. 474 (1987) at 4-5. Accordingly, except for the type information identified as available to the public by Open Records Decision No. 127 (1976), a copy of which is enclosed, the requested information may be withheld from required public disclosure under section 3(a)(8).

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 OR92-56.

Yours very truly,



Sarah Woelk
Assistant Attorney General
Opinion Committee

SW/GK/lcd

Ref.: ID# 14773

Enclosures: Open Records Decision No. 127

cc: Mr. Darrell D. Joy
President
Security Services, Inc.
1121 Hampshire Lane, Suite 200
Richardson, Texas 75080