



Office of the Attorney General

State of Texas

September 21, 1992

DAN MORALES

ATTORNEY GENERAL

Mr. Ernest A. Emerson  
State Fire Marshal  
Texas Commission on Fire Protection  
P. O. Box 2286  
Austin, Texas 78768-2286

OR92-556

Dear Mr. Emerson:

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# 16920.

The Texas Commission on Fire Protection (the "commission") has received a request for information relating to an alleged incident of arson that occurred in the City of Seguin on June 30, 1992. Specifically, the requestor seeks "a copy of the Fire Marshall's investigation of this matter, and for copies of all tape recordings and transcriptions of tape recordings of statements made by [the persons involved in the incident]." You claim that the requested information is excepted from required public disclosure by section 3(a)(8) of the Open Records Act, the "law enforcement exception." Where an incident involving allegedly criminal activity is still under active investigation or prosecution, section 3(a)(8) may be invoked by any proper custodian of information which relates to the incident. Open Records Decision No. 474 (1987) at 4-5. The Guadalupe County District Attorney's Office advises us that it is currently investigating this matter. We have examined the documents submitted to us for review and conclude that they may be withheld under section 3(a)(8) of the Open Records Act.

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 OR92-556.

Yours very truly,



Celeste A. Baker  
Assistant Attorney General  
Opinion Committee

CAB/GCK/lmm

Ref.: ID# 16920

cc: Mr. Hugh Lowe  
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