



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 24, 1994

Ms. Beverly Luna  
Branch Chief  
Tort and Property Law  
Texas Parks and Wildlife Department  
4200 Smith School Road  
Austin, Texas 78744

OR94-261

Dear Ms. Luna:

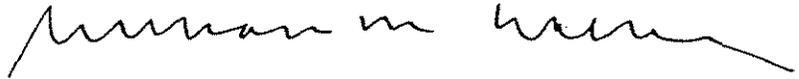
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), Government Code chapter 552. We assigned your request ID# 23794.

The Texas Parks and Wildlife Department has received a request for information relating to an internal investigation it conducted, specifically statements obtained in the investigation. You ask whether the department may withhold the information under section 552.108 of the act, which permits withholding certain records of "law enforcement agencies." You say that the requested information together with other material the department compiled in the investigation has been turned over to "appropriate authorities including the Travis County District Attorney's Office" for review and possible action, and that release of the requested information "could unduly interfere with that investigation and possible prosecution."

We have contacted Ms. Gail Van Winkle at the Travis County District Attorney's Office and she has informed us that the office is not, and does not anticipate, actively pursuing the matter in question. Under the circumstances, given that your department is not itself a law enforcement agency under section 552.108, we find no basis for withholding the requested materials under that section. Therefore, unless, within fourteen days of the date of this letter, you provide us with a written statement from a law enforcement agency actively pursuing this matter in support of your contentions that the requested materials should be withheld, you must release the requested information.

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 contact this office.

Yours very truly,



William M. Walker  
Assistant Attorney General  
Open Government Section

WMW/rho

Ref.: ID# 23794

Enclosures: Submitted documents

cc: Ms. LeQuetia Castle  
c/o Texas Parks and Wildlife Department  
Route 2, Box 535  
Jasper, Texas 75951  
(w/o enclosures)