



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 24, 1995

Mr. G. Mike Davis
State Fire Marshal
Texas Commission on Fire Protection
P.O. Box 2286
Austin, Texas 78768-2286

OR95-698

Dear Mr. Davis:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 33854.

The Texas Commission on Fire Protection (the "commission") received a request for "a copy of the Hensley Fire Burnet County Case No. 95105003." You claim that the bulk of the report is excepted from disclosure pursuant to section 552.108 of the Government Code and have provided to this office a copy of the records you believe to be excepted from disclosure.

You advise us that the requested information relates to an active investigation by the Office of the State Fire Marshal. We note that the Office of the Attorney General has recently issued Open Records Letter No. 95-642 (1995) a "previous determination" to the Texas Commission on Fire Protection pursuant to section 552.301 of the Government Code for records of active investigations the commission claims are excepted from disclosure under section 552.108. Accordingly, the commission may rely on the ruling in Open Records Letter No. 95-642 (1995) (copy enclosed) as a determination for this request for information. Please use the markings on the documents submitted with Open Records Letter No. 95-642 (1995) as a guide for releasing the information deemed open under *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). If you receive a new request for these records once the investigation is closed and you wish to withhold the records under section 552.108, you may not rely on

Open Records Letter No. 95-642 (1995). In that case, you must request a ruling from this office to explain how release of the records would unduly interfere with law enforcement. See Open Records Decision No. 611 (1992) at 2.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/LBC/rho

Ref: ID# 33854

Enclosures: Open Records Letter No. 95-642 (1995)
Submitted documents

cc: Ms. Carol Hensley
Rt. 2, P.O. Box 242-J
Bertram, Texas 78605
(w/o enclosures)