



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 21, 1995

Ms. Tamara A. Armstrong
Assistant County Attorney
County of Travis
County Courthouse
P.O. Box 1748
Austin, Texas 78767

OR95-1571

Dear Ms. Armstrong:

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# 26661.

The Travis County District Attorney's Office has received a request for "copies of the complaint forms that have any reference to" the requestor. The district attorney's office asserts that the information responsive to this request is excepted from required public disclosure under sections 552.101, 552.103, and 552.108 of the Government Code.

Section 552.108 provides as follows:

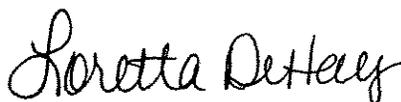
- (a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure].
- (b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from [required public disclosure].

When an incident involving allegedly criminal conduct is under active investigation or prosecution, section 552.108 may be invoked by any proper custodian of information that relates to the incident. Open Records Decision Nos. 474 (1987), 372 (1983). After the investigation or prosecution has been completed, however, the governmental body must

demonstrate that releasing the requested information would unduly interfere with law enforcement or prosecution before it can withhold the information under section 552.108. *See Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977); Open Records Decision Nos. 444 (1986), 434 (1986). We have reviewed the information you submitted for review and conclude that you may withhold it from required public disclosure under section 552.108.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD//rho

Ref.: ID# 26661

Enclosures: Submitted documents

cc: Mr. J. Michael Clara
c/o City of Manor
P.O. Box 387
Manor, Texas 78653
(w/o enclosures)