



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 14, 1996

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

OR96-0959

Dear Ms. Armstrong:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 40489.

Travis County received a request for information pertaining to criminal file # 933508. You assert that the requested information is excepted from required public disclosure based on sections 552.101, 552.103, 552.108, and 552.111 of the Government Code.

Section 552.108(a) of the Government Code reads as follows:

Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure].

You inform us that the information pertains to a pending criminal prosecution. Section 552.108(a) excepts from required public disclosure all information related to cases under active prosecution except certain basic information ordinarily appearing on the first page of an offense report. See *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); Open Records Decision No. 127 (1976).<sup>1</sup> We therefore conclude that with the exception of the first page offense report information, the county may withhold the requested information from disclosure based on section 552.108 of the Government Code.<sup>2</sup>

We are resolving this matter with this 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 may 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,



Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/rho

Ref.: ID# 40489

Enclosures: Submitted documents

cc: Mr. Mark I. Hefter  
Shields & Rusk  
Attorneys at Law  
910 Lavaca  
Austin, Texas 78701  
(w/o enclosures)

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<sup>1</sup>Section 552.108(a) excepts from required public disclosure information related to inactive or closed cases only when its release would unduly interfere with law enforcement or prosecution. *See* Open Records Decision No. 616 (1993).

<sup>2</sup>Having concluded that the county may withhold the requested information based on section 552.108, we need not address your other claims at this time.