



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 1, 1996

Mr. Thomas F. Keever
Assistant District Attorney
Chief, Civil Section
Dallas County District Attorney's Office
411 Elm Street
Dallas, Texas 75202

OR96-1370

Dear Mr. Keever:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100466.

The Facilities Management Department of Dallas County (the "county") received a request for all "memoranda in which concerns were raised about the purchasing and supervisory practices of Michael Stone, Maintenance Supervisor." The Dallas County Institute of Forensic Sciences received a related request from the same requestor for "a copy of the product evaluation . . . on the HVAC 'bio-tabs supplied by the Texas National Chemical Company' and any other documents relating to this product." The county has several documents that are responsive to these requests, and you have submitted copies of those documents to this office for review. You contend that the documents are excepted from disclosure under section 552.108 of the Government Code.

Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n 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." Gov't Code § 552.108; see *Holmes v. Morales*, 39 Tex. Sup. Ct. J. 781, 1996 WL 325601 (June 14, 1996). You state that the documents at issue are evidence in an ongoing investigation of Michael Stone and others. Thus, the documents fall within the scope of information excepted from disclosure by section 552.108. You may withhold the documents from disclosure under section 552.108, or you may choose to release all or part of the information contained in the documents that is not otherwise confidential by law. Gov't Code § 552.007.

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,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref.: ID# 100466

Enclosures: Submitted documents

cc: Mr. Tim Dickey
KXAS-TV
3900 Harry Hines Boulevard
Dallas, Texas 75219
(w/o enclosures)