



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 12, 1996

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

OR96-1650

Dear Ms. Armstrong:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101017.

The Travis County Sheriff's Office (the "sheriff") received a request for a copy of the requestor's internal affairs file. You claim that the requested information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claimed and have reviewed the documents at issue.

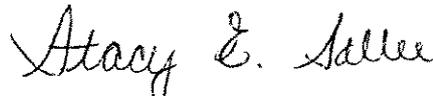
Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. You claim that the information contained in Exhibit "A" is excepted from disclosure under section 552.101. We have examined that information and conclude that it is excepted from disclosure under section 552.101 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*, 924 S.W.2d 920 (Tex. 1996). We conclude that, with the exception noted below, section 552.108 of the Government Code excepts the records in Exhibit "B" from required public disclosure.

On the other hand, you may choose to release all or part of the information that is not otherwise confidential by law. Gov't Code § 552.007.¹

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,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/ch

Ref.: ID# 101017

Enclosures: Marked documents

cc: Mr. Francis Joseph Meiron, Jr.
4528 Turnstone Drive
Austin, Texas 78744
(w/o enclosures)

¹You state that the sheriff will release to the requestor the results of his polygraph examination. We note that two documents contained in Exhibit "B" contain polygraph results. We cannot tell whether the sheriff intends to release these documents to the requestor. Article 4413(29cc), V.T.C.S., deems confidential "information acquired from a polygraph examination" but provides that a licensed polygraph examiner, licensed trainee, or employee of a licensed polygraph examiner may disclose to the examinee information acquired from a polygraph examination. V.T.C.S. art. 4413(29cc), § 19A(a), (c)(1). As the requestor is the examinee, article 4413(29cc) does not deem confidential the results of the polygraph examination here. We have marked the documents for your information.