



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 20, 1996

Ms. Linda Wiegman
Office of General Counsel
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756-3199

OR96-1724

Dear Ms. Wiegman:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100938.

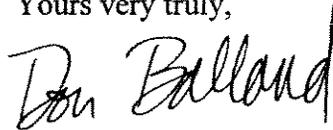
The Texas Department of Health (the "department") received a request for all documents related to the investigation of a certain individual. You claim the requested information is excepted from required public disclosure by section 552.108 of the Government Code. We have considered the exception you claimed and have reviewed the documents at issue.

In this instance, you state that the department has referred two investigation reports to the proper law enforcement agency for further investigations. You also state that the investigation is pending. The investigation appears to involve possible criminal conduct. Where an incident involving allegedly criminal conduct is still under active investigation or prosecution, section 552.108 may be invoked by any proper custodian of information which relates to the incident. Open Records Decision Nos. 372 (1983), 474 (1987); *see also* Attorney General Opinion MW-575 (1982) at 1-2; Open Records Decision No. 493 (1988) at 2. Furthermore, the need of another governmental body to withhold the requested information may provide a compelling reason for nondisclosure under section 552.108. Open Records Decision 586 (1991). Under these circumstances, we believe that the department may withhold the requested documents 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 questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Don Ballard". The signature is written in a cursive style with a large, prominent "D" and "B".

Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 100938

Enclosures: Submitted documents

cc: Mr. Michael R. Sharp
Attorney at Law
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(w/o enclosures)