



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 10, 1997

Ms. Karen Barland
Central Records Supervisor
Travis County District Attorney's Office
P.O. Box 1748
Austin, Texas 78767

OR97-0044

Dear Ms. Barland:

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# 102860.

The Office of the Travis County District Attorney ("your office") received an open records request for the "entire file" on a particular prosecution of a theft from 1988. You state that your office will make available to the requestor all court documents contained in the prosecutor's files as well as all "front page offense report information" required to be made public under *Houston Chronicle Publishing Company 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). You seek to withhold all remaining information pursuant to 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*, 924 S.W.2d 920 (Tex. 1996). Because the records at issue come within the purview of section 552.108, we conclude that the information at issue may be withheld under this section. Although section 552.108 authorizes your office to withhold the information, your office may choose to release all or part of the information at issue that is not otherwise confidential by law. *See* 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,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', written in a cursive style.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/RWP/ch

Ref.: ID# 102860

Enclosures: Submitted documents

cc: Mr. Stuart Dupuy
Fulbright and Jaworski
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(w/o enclosures)