



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 10, 1997

Ms. Susan J. Barnett
Assistant District Attorney
Collin County Courthouse
210 McDonald, suite 324
McKinney, Texas 75069

OR97-0512

Dear Ms. Barnett:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. This request was assigned ID# 104318.

Collin County (the "county") received the following request for information:

All notes, memorandums, and other communications generated by [the county auditor] and which may have been directed to the attention of District Attorney Tom O'Connell, but not limited to communications directed to the attention of the district attorney, concerning five Collin County employees who were the objects of an investigation by yourself and the district attorney in connection with county-paid trips to Corpus Christi, Texas on the dates Sept. 23-26. Specifically, I am seeking the names of the five county employees.

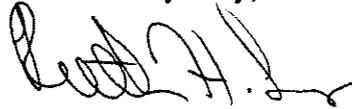
You assert that the information at issue is excepted from disclosure pursuant to section 552.108 of the Government Code, and cite to *Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996).

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." This exception may be invoked by the proper custodian of information relating to an investigation or prosecution of criminal conduct. *Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996); Open Records Decision No. 474 (1987) at 4-5. We have reviewed the

documents submitted to this office as responsive to the request. We agree that these documents may be withheld from disclosure under section 552.108. *Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996).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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 104318

Enclosures: Submitted documents

cc: Ms. Daun Eiderdam
The McKinney Courier Gazette
4000 West University
McKinney, Texas 75070
(w/o enclosures)

¹As the information at issue may be withheld from disclosure pursuant to section 552.108, we need not address your other arguments against disclosure.