



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 24, 1997

Mr. Robert J. Gervais
Assistant City Attorney
City of Galveston
Legal Department
P.O. Box 779
Galveston, Texas 77553-0779

OR97-0608

Dear Mr. Gervais:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 104792.

The City of Galveston (the "city") received a request to inspect information about a complaint filed against Sergeant McLain on December 3, 1996, a police chief directive, as well as log books for the past six months. You assert that the information about the complaint is excepted from required public disclosure based on section 552.101 of the Government Code.

Section 552.101 excepts from disclosure information that is made confidential by law, including information made confidential by statute. You inform us that the city adopted chapter 143 of the Local Government Code. You state that the city took no disciplinary action against Sergeant McLain as a result of the city's investigation of the complaint. We assume, therefore, that the file is not in the civil-service commission's custody, but rather is maintained by the city police department pursuant to section 143.089(g). Section 143.089(g) prohibits the city from releasing "any information contained in the department file to any agency or person." *City of San Antonio v. Texas Attorney General*, 851 S.W.2d 946, 949 (Tex. App.--Austin 1993, writ denied); see Open Records Decision No. 650 (1996). Consequently, the city must not release the requested information to the requestor. Gov't Code § 552.101.

We are resolving this matter with this 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 may 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 "Kay Guajardo", written in a cursive style.

Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 104792

Enclosures: Submitted documents

cc: Mr. Blu Shields
P.O. Box 2550
Galveston, Texas 77553-2550
(w/o enclosures)