



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 9, 1997

Mr. John R. Adamo
Human Resources Attorney
Texas Department of Protective and
Regulatory Services
P.O. Box 149030
Austin, Texas 78714

OR97-1549

Dear Mr. Adamo:

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# 107027.

The Texas Department of Protective and Regulatory Services (the "department") received a request for a copy of phone logs and transcription of tape recordings of conversations between a department investigator and the requestor, concerning a pending criminal investigation. In response to the request, you submitted to this office for review a copy of the information which you assert is responsive. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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). You assert that the requested information relates to a pending investigation or prosecution of criminal allegations. This office has previously held that any proper custodian of records can claim the section 552.108 exception for information relating to a criminal investigation. Open Records Decision Nos. 474 (1987), 372 (1983). Accordingly, since the records at issue come within the purview of section 552.108, we conclude that the requested information may be withheld in its entirety under this section.

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Sam Haddad". The signature is written in a cursive style with a large, looping initial "S".

Sam Haddad
Assistant Attorney General
Open Records Division

SH/rho

Ref.: ID# 107027

Enclosures: Submitted documents

cc: Ms. C. V. Weishampel
16412 Oak Lane
Channelview, Texas 77530
(w/o enclosures)