



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 1, 1997

Mr. David Anderson  
Chief Counsel  
Texas Education Agency  
1701 North Congress Avenue  
Austin, Texas 78701-1494

OR97-2210

Dear Mr. Anderson:

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# 109129.

The Texas Education Agency ("TEA") received a request for

All documents pertaining to any TEA investigation, audit, or monitoring of the Warren Independent School District during the period 1995 to 1997;

All correspondence or other communications between TEA and Warren ISD pertaining to the Warren ISD's Superintendent and/or Board of Trustees' governance of that district during the period 1995 to 1997.

You state that TEA will make available to the requestor the information pertaining to closed files regarding the Warren Independent School District. You claim, however, that the remaining requested information is excepted from disclosure under sections 552.101, 552.103, 552.107, 552.108, 552.111, 552.114, 552.117, and 552.122 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108 provides, in part, that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from public disclosure if release of the information would interfere with the detection, investigation or prosecution of crime. Gov't Code §552.108(a)(1). In this instance, you state that the responsive documents relate to an ongoing investigation of the Warren Independent

School District by the U.S. Department of Justice, Federal Bureau of Investigation. Where an incident involving allegedly criminal conduct leads to 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. *See* Open Records Decision No. 586 (1991). Under these circumstances, we conclude that release of the documents you submitted for our review would interfere with the detection, investigation, or prosecution of crime. Therefore, TEA may withhold the requested documents under section 552.108.<sup>1</sup>

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,



Vickie Prehoditch  
Assistant Attorney General  
Open Records Division

VDP/glg

Ref.: ID# 109129

Enclosures: Submitted documents

cc: Mr. Scott Newar  
Attorney at Law  
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Houston, Texas 77002-2721  
(w/o enclosures)

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<sup>1</sup>As we resolve this matter under section 552.108, we do not address the applicability of your other claimed exceptions at this time.

Mr. Michael D. Ronayne  
Special Agent  
U.S. Department of Justice  
Federal Bureau of Investigation  
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Lufkin, Texas 75902-1058  
(w/o enclosures)

Ms. Cynthia A. Rosenthal  
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