



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 12, 1998

Mr. John Steiner
Division Chief
City of Austin
P.O. Box 1088
Austin, Texas 78767-1088

OR98-1206

Dear Mr. Steiner:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 115162.

The City of Austin (the "city") received a request for information about a woman's disappearance. The requestor is the daughter of the victim. You assert that the information at issue is protected from disclosure under section 552.108 of the Government Code.¹ Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime.

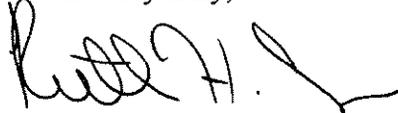
You state that there is a pending investigation concerning the records at issue. You indicate that the case concerns a possible aggravated kidnaping and that there is a possibility that murder charges could be filed in this case. Since there is an ongoing criminal investigation, we agree that you have shown that release of the submitted information would interfere with the investigation or prosecution of crime. *Houston Chronicle Publ'g Co. 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) (court delineates law enforcement interests that are present in active cases); *see* Open Records Decision No. 216 (1978) at 3. The

¹You state that front page offense report information, which is not confidential under section 552.108, has already been disclosed to the requestor. Gov't Code § 552.108(c).

information at issue may be withheld from disclosure under section 552.108.² We also note that the city has discretion to release to the requestor all or part of the information that is not otherwise confidential by law. 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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 115162

Enclosures: Submitted documents

cc: Ms. Barbara A. Nash
Route 3, Box 369
Manor, Texas 78653
(w/o enclosures)

²Because the documents may be withheld from disclosure under section 552.108 of the Government Code, we need not address your section 552.103 argument.