



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 24, 1998

Mr. Eric M. Bost
Texas Department of Human Services
P.O. Box 149030
Austin, Texas 78714-9030

OR98-2295

Dear Mr. Bost:

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# 118463

The Texas Department of Human Services (the "department") received a request for release of a report prepared by the Office of the Inspector General. You assert that this information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. You have submitted the responsive document. We have considered the exceptions you raise and the submitted document.

Section 552.108 of the Government Code excepts from required public disclosure information held by a law enforcement agency or prosecutor if release of the information would interfere with the detection, investigation, or prosecution of crime. This section generally applies to records of a law-enforcement agency or prosecutor. However, in certain circumstances, an agency that is not a law-enforcement agency may claim section 552.108. *See* Open Records Decision No. 493 (1988). This office has determined that if an investigation by an administrative agency reveals possible criminal conduct that the agency intends to report or already has reported to the appropriate law-enforcement agency, section 552.108 will apply to the information gathered by the administrative agency if its release would unduly interfere with law enforcement. *Id.* You indicate that the incidents that are the subject of the requested report have been reported to the appropriate law-enforcement agency and are the basis of an ongoing criminal investigation. You have supplied the affidavit of an assistant district attorney of Harris County which substantiates that a criminal investigation is ongoing. We have examined the supplied information and determined that it relates to that investigation. We conclude that the requested information may be withheld in its entirety, pursuant to section 552.108 of the Government Code. Having resolved this

request by application of section 552.108, we do not address the applicability of other exceptions raised.

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,



Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 118463

Enclosures: Submitted documents

cc: Ms. Joycelyn Pat Fontenot
9820 Terry
Beaumont, Texas 77706
w/o enclosures