



February 12, 1999

Ms. Tenley Aldredge
Assistant County Attorney
County of Travis
P.O. Box 1748
Austin, Texas 78767

OR99-0441

Dear Ms. Aldredge:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 122111.

The Travis County Sheriff's Office (the "sheriff") received a request for a copy of a videotape from a surveillance camera. You submit to this office a copy of the requested videotape, and assert that it is excepted from disclosure under section 552.108 of the Government Code.¹ We have considered the exception you claim and have reviewed the videotape at issue.

You state that the requested videotape relates to an active internal affairs investigation and a pending criminal prosecution. Section 552.108 of the Government Code excepts from required public disclosure:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime; . . . [or]

¹The requestor contends that you did not request a decision from this office in a timely manner. We note that you requested a decision from this office within 10 business days of receiving the request for information, and thus met the requirements of section 552.301 of the Government Code.

(b) An 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 . . . if:

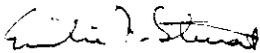
(1) release of the internal record or notation would interfere with law enforcement or prosecution; . . .

(c) This section does not except from [public disclosure] information that is basic information about an arrested person, an arrest, or a crime.

Because you have informed us that the videotape pertains to a pending criminal investigation, we conclude that you have met your burden of establishing that the release of the videotape at this time would interfere with law enforcement or prosecution. You therefore may withhold the videotape at this time pursuant to section 552.108(a)(1) of the Government Code.

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

Sincerely,



Emilie F. Stewart
Assistant Attorney General
Open Records Division

EFS\nc

Ref: ID# 122111

Enclosure: Videotape

cc: Ms. Steve Lane
Mountain View Homes, Inc.
P.O. Box 1639
Marble Falls, Texas 78654
(w/o enclosures)