



February 23, 1999

Mr. Robert A. Schulman  
Schulman, Walheim & Heidelberg, Inc.  
112 East Pecan, suite 3000  
San Antonio, Texas 78205-1528

OR99-0520

Dear Mr. Schulman:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 122308.

The United Independent School District, located in Laredo Texas (the "district"), which you represent, received a request for information related to an investigation of a district employee. You contend that the responsive information is excepted from public disclosure by Government Code sections 552.101 and, 552.108. You have supplied the statements of certain employees, which you seek to withhold.<sup>1</sup> You assert that the submitted information is excepted from public disclosure by sections 552.101 and 552.108 of the Government Code.

In pertinent part, section 552.108 of the Government Code reads:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

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

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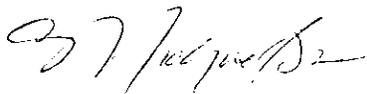
<sup>1</sup>You have not indicated that the submitted materials are a representative sample, nor do these materials encompass the full scope of the request. If you have not already done so, you must release all responsive information that you have not submitted for our review unless that information is made confidential by law.

The purpose of this exception is to deny access to materials whose release would interfere with law enforcement and the prevention of crime. *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). The exception is generally limited to the records of governmental bodies whose primary function is to investigate crimes and enforce criminal laws. Open Records Decision No. 493 at 2 (1988). However, the exception may be invoked by any proper custodian of information relevant to an incident involving allegedly criminal conduct that is still under active investigation or prosecution. Open Records Decision No. 474 (1987). It may also be invoked by an administrative agency that has or intends to report possible criminal conduct to an appropriate law enforcement agency. Open Records Decision No. 493 at 2 (1988).

From our review of the submitted statements we conclude that they relate to criminal activity. By telephone communication with this office, February 18, 1999, you represented that the subject statements have been forwarded to the appropriate law enforcement agency and that these crimes are under active investigation. You may, as the proper custodian of the records, withhold the information on behalf of that agency.

As the above discussion is dispositive of this request, we shall not address the other exception to disclosure you have raised. 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,



Michael Jay Burns  
Assistant Attorney General  
Open Records Division

MJB/ch

Ref:: ID# 122308

Enclosures: Submitted documents

cc: Mr. George E. Hyde  
O'Connell and Benjamin  
P.O. Box 90209  
San Antonio, Texas 78209  
(w/o enclosures)