



September 20, 1999

Ms. Susanna K. Holt
Assistant Attorney General
Executive Administration
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR99-2626

Dear Ms. Holt:

You ask whether certain information is subject to required public disclosure under the, Texas Public Information Act chapter 552 of the Government Code. Your request was assigned ID# 127529.

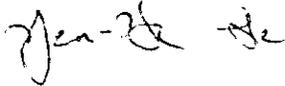
The Office of the Attorney General of Texas (the "OAG") received a request for "all documents relating to internal investigations conducted by the Attorney General's Office involving Marc Murr" and "[r]ecords relating to investigation of Dan Morales' conduct of the tobacco litigation and fee settlements in that litigation." You assert that the requested information is excepted from required public disclosure under sections 552.103 and 552.108 of the Government Code.

Section 552.108 of the Government Code states that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from required public disclosure "if release of the information would interfere with the detection, investigation, or prosecution of crime." Gov't Code § 552.108(a)(1). You inform us that federal law enforcement authorities are currently investigating potential criminal conduct surrounding Mr. Murr's contract for legal services in the Texas tobacco litigation. Where an incident involving allegedly criminal conduct is still under active investigation, section 552.108 may be invoked by any proper custodian of information relevant to the incident. Open Records Decision Nos. 474 (1987), 372 (1983), 286 (1981). We therefore believe that the OAG has established that the release of the information "would interfere with the detection, investigation, or prosecution of crime." *Id.*; see *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). Accordingly, the OAG may withhold the information at issue based on section 552.108(a)(1) of the Government Code.

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Yen-Ha Le".

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

Ref.: ID# 127529

cc: Mr. Laylan Copelin
Austin American-Statesman
P.O. Box 670
Austin, Texas 78767-0670