



November 12, 1999

Ms. Katherine Minter Cary
Assistant Attorney General
Public Information Coordinator
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR99-3218

Dear Ms. Cary:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 129345.

The Office of the Attorney General (the "attorney general") received a written request for specific records pertaining to the tobacco litigation. You indicate the attorney general has released some of the requested information. This office has previously concluded that the exact same records at issue here are excepted from required public disclosure pursuant to section 552.108 of the Government Code because the information "relates to an investigation being conducted by . . . the FBI and the United States Attorney." Open Records Letter No. 99-2636 (1999); *see also* Open Records Letter Nos. 99-2383 (1999), 99-2372 (1999), 99-2362 (1999), 99-2337 (1999), 99-2310 (1999), OR99-1841 (1999). Both of these entities have requested that this information be withheld because release at this time would interfere with the ongoing investigation. *See* Gov't Code § 552.108(a)(1).

Because you now inform us that the federal investigation is still ongoing, we conclude that the prior rulings issued by this office constitute a "previous determination" for purposes of section 552.301(a) of the Government Code. Accordingly, we need not further address the release of the requested documents. You may rely on Open Records Letter No. 99-2636 to withhold the requested information. Further, the attorney general need not seek a decision

from this office for future requests for this information until such time that the federal criminal investigation has been concluded.

Sincerely,

A handwritten signature in cursive script that reads "Don Ballard".

Don Ballard
Assistant Attorney General
Open Records Division

JDB/RWP/ljp

Ref.: ID# 129345

Encl: Submitted Documents
Open Records Letter No. 99-2636 (1999)

cc: Mr. Robert Slyter II
Fagari & Davenport
901 Main Street, LB 125
Dallas, Texas 75202-3796
(w/Open Records Letter No. 99-2636 (1999))