



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 22, 1994

Ms. Diana G. Bertini
Assistant City Attorney
City of Galveston
P.O. Box 779
Galveston, Texas 77553-0779

OR94-564

Dear Ms. Bertini:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 23870.

The City of Galveston has received a request for a copy of the letter sent to the attorney general, as required by Local Government Code section 143.056(h), describing the investigation of a police officer where the department head intends to order an indefinite suspension. The requestor is the officer, acting through counsel. You argue that the letter may be withheld under sections 552.103 and 552.108 of the act, the "litigation" and "law enforcement" exceptions. We do not think it necessary to address whether the department may withhold the information requested, because Local Government Code section 143.089 requires that the civil service director or his designee place a copy in the officer's personnel file where, as here, there has been disciplinary action taken, and expressly makes the letter available to the officer. Local Government Code § 143.089(a)(2), (e). Please direct the requestor to the civil service director or his designee, who must make the letter available to the officer.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,

A handwritten signature in black ink, appearing to read "William Walker".

William Walker
Assistant Attorney General
Open Government Section

WMW/MAR/rho

Ref.: ID# 23870

Enclosures: Submitted document

cc: Mr. Robert J. Thomas
Assistant General Counsel
Combined Law Enforcement Associations of Texas
1602 State Street
Houston, Texas 77007
(w/o enclosures)