



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 23, 1996

Mr. Burton F. Raiford  
Texas Department of Human Services  
P.O. Box 149030  
Austin, Texas 78714-9030

OR96-0786

Dear Mr. Raiford:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. This request was assigned ID# 39999.

The Texas Department of Human Services (the "department") received a request for information about certain complaints. You have submitted to this office for review the responsive documents. You indicate the department intends to provide the district attorney with the investigation results and that criminal charges may result. You assert that the information at issue is protected from disclosure under section 552.108 of the Government Code, which excepts from public disclosure:

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

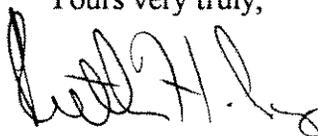
(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution . . . .

This section may be invoked by the proper custodian of information relating to an ongoing investigation or prosecution of criminal conduct. The exception is applicable even if the custodian is not a law enforcement agency if the investigation may lead to the filing of criminal charges. Open Records Decision No. 474 (1987) at 4-5. When an agency claims the exception, the pertinent question is whether release of the information would undermine "a legitimate interest" relating to law enforcement or the investigation or prosecution of crime. Open Records Decision No. 434 (1986) at 2. We have reviewed

the documents submitted to this office and conclude that the documents at issue may be withheld from disclosure pursuant to section 552.108.<sup>1</sup>

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.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 39999

Enclosures: Submitted documents

cc: Mihoa Vo  
107 Richmond, Suite 249  
Houston, Texas 77042  
(w/o enclosures)

---

<sup>1</sup>You also asserted that the informer's privilege as incorporated by section 552.101 is applicable. Since the information at issue may be withheld under section 552.108, we need not address this argument.