



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 28, 1996

Mr. S. Anthony Safi  
Mounce & Galatza  
P.O. Drawer 1977  
El Paso, Texas 79950-1977

OR96-1959

Dear Mr. Safi:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 101716.

The El Paso Independent School District (the "district") received a request for "a copy of any and all records associated with the investigation of the anonymous letter to include any and all reference made to me." You state that the district will release to the requestor portions of the requested information. However, you assert that sections 552.101, 552.102, 552.103, 552.108, and 552.111 excepts certain information from required public disclosure.

Section 552.108 of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n 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. Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). Section 552.108 may be invoked by any proper custodian of information relevant to an incident involving allegedly criminal conduct. *See Open Records Decision No. 372 (1988)* at 4. We have reviewed the information at issue and conclude that the district may withhold the information from the requestor based on section 552.108.

Given our conclusion based on section 552.108, we need not address your other claims at this time. 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.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/rho

Ref.: ID# 101716

Enclosures: Submitted documents

cc: Ms. Janet Sarracino  
(w/o enclosures)