



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 7, 1998

Ms. Mary Keller
Senior Associate Commissioner
Legal and Compliance Division MC110-1A
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR98-0911

Dear Ms. Keller:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 114940.

The State Fire Marshall's Office of the Texas Department of Insurance received a request for information relating to a fire that occurred on February 19, 1995. Although you have released some information to the requestor, you contend that the names and statements of witnesses are excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

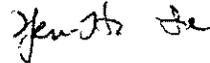
Section 552.108(a) excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution of crime." You inform us that the arson case is currently closed, and that the suspect pleaded guilty and received a prison sentence. This office has held that a law enforcement agency may withhold the names and statements of witnesses under former section 552.108 if the law enforcement agency

determined from an examination of the facts of the particular case that disclosure might either subject the witnesses to possible intimidation or harassment or harm the prospects of future cooperation between witnesses and law enforcement officers.

Id.; see also Open Records Decision Nos. 397 (1983), 329 (1982). You have provided this office with the requisite determination that disclosure of the witnesses and their statements may subject these individuals to harm and would hinder their future cooperation with law enforcement officials. Therefore, we conclude that release of the submitted documents would interfere with the detection, investigation, or prosecution of crime. Thus, you may withhold the submitted documents under section 552.108(a)(1).

As we have resolved the matter under section 552.108, we need not address your other claimed exception. 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 any questions about this ruling, please contact our office.

Yours very truly,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/rho

Ref: ID# 114940

Enclosures: Submitted documents

cc: Mrs. Mary V. Dawson
RR 1 Box 98-BB, Airport Road
Kirbyville, Texas 75956
(w/o enclosures)