



May 18, 1999

Ms. Linda Wiegman  
Supervising Attorney  
Office of General Counsel  
Texas Department of Health  
1100 West 49<sup>th</sup> Street  
Austin, Texas 78756-3199

OR99-1364

Dear Ms. Wiegman:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124182.

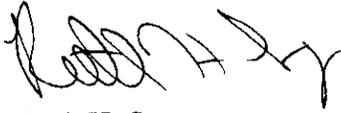
The Department of Health (the "department") received a request for information pertaining to a named individual who works or worked at a registered massage therapy establishment. You assert that the records at issue are protected from disclosure under section 552.108 of the Government Code. You submitted to this office a letter from the Houston Police Department stating that there is an open and ongoing criminal investigation and asking that the records at issue be protected from disclosure because of that investigation.

Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime. This section may be invoked by the proper custodian of information relating to an ongoing investigation or prosecution of criminal conduct, even if the custodian is not a law enforcement agency. Open Records Decision No. 474 at 4-5 (1987). We agree that, in this situation, you have shown the applicability of section 552.108(a)(1) to the records at issue, which may be withheld from disclosure at this time.

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.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', written in a cursive style.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 124182

encl. Submitted documents

cc: Ms. Anna Werner  
KHOU-TV  
1945 Allen Parkway  
Houston, Texas 77008  
(w/o enclosures)