



June 23, 1999

Ms. Monica Z. Notzon
First Assistant District Attorney
Counties of Webb & Zapata
P.O. Box 1343
Laredo, Texas 78042-1343

OR99-1739

Dear Ms. Notzon:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 126197.

The Webb County Auditor received a request for county audits and the "status report" of an investigation regarding the Webb County Jail Fund. It appears that the requested records have been forwarded to the district attorney's office in connection with a criminal investigation. We understand you to seek to withhold the audit information responsive to the request under section 552.108 of the Government Code.

Section 552.108(a)(1) excepts from required public disclosure

(a) Information 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[.]

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; or

(3) it is information that:

You advise that the information at issue relates to a pending case being prepared for presentation to the grand jury. Based on your representations, we conclude that you may generally withhold the audit information in question under section 552.108(a)(1).

Section 552.108 does not, however, except from required public disclosure “basic information about an arrested person, an arrest, or a crime.” Gov’t Code § 552.108(c). Because you have raised no other exception to disclosure, the city must release these types of information in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

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,



William Walker
Assistant Attorney General
Open Records Division

WMW/eaf

Ref.: ID# 126197

encl. Submitted documents

cc: Mr. Hector Farias, Jr.
VIDA
P.O. Box 243
Laredo, Texas 78642
(w/o enclosures)