



August 9, 1999

Ms. Tenley A. Aldredge
Assistant County Attorney
Travis County
P.O. Box 1748
Austin, Texas 78767

OR99-2230

Dear Ms. Aldredge:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 126305.

Travis County (the "county") received a request for a complete copy of the requestor's own personnel file. You indicate that most of the responsive documents have already been disclosed to the requestor. However, you assert that certain documents are excepted from disclosure on the basis of sections 552.107(1), 552.108, and 552.130 of the Government Code. These documents, marked as Exhibits A through D, were submitted to this office for review.

You contend that Exhibit B contains information protected from disclosure under section 552.107(1) of the Government Code. Section 552.107(1) excepts from disclosure communications that reveal client confidences or the attorney's legal opinion or advice. Open Records Decision Nos. 589 at 1 (1991), 574 at 3 (1990), 462 at 9-11 (1987). Section 552.107(1) does not except from disclosure factual recounting of events or the documentation of calls made, meetings attended, and memos sent. Open Records Decision No. 574 at 5 (1990). We have marked on Exhibit B the information that may be withheld from disclosure under section 552.107(1) of the Government Code.

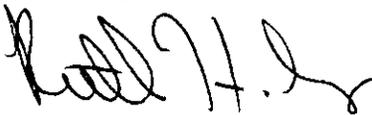
You argue that Exhibits A and C are protected from disclosure under section 552.108 of the Government Code. Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the

detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime. Based upon your explanation that there is an ongoing criminal investigation, we agree that release of Exhibits A and C is protected from disclosure under section 552.108(a)(1). Open Records Decision No. 216 at 3 (1978) (release of information during pending criminal case would interfere with prosecution of crime and law enforcement interests). However, you have not shown the applicability of section 552.108 to all of the information in Exhibit C. You may withhold only the information that you contend relates to pending criminal cases.

You have marked information in Exhibit D that you contend is protected from disclosure under section 552.130 of the Government Code. We agree that the marked information is protected from disclosure under section 552.130. You may withhold the information that we agree is protected from disclosure under sections 552.107, 552.108, and 552.130. The remaining information must be released.

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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 126305

Encl. Submitted documents

cc: Mr. Kevin M. Ward