



August 20, 1999

Ms. Susanna K. Holt
Assistant Attorney General
Executive Administration
Attorney General's Office
P.O. Box 12548
Austin, Texas 78711-2548

OR99-2372

Dear Ms. Holt:

You ask whether certain information is subject to required public disclosure under the, Texas Public Information Act chapter 552 of the Government Code. Your request was assigned ID# 126651.

The Office of the Attorney General of Texas (the "OAG") received a request for "all records of telephone calls, contracts, visits, correspondences, notes of meetings, and any other records that may exist between or involving the attorney general's office and Marc Murr, or anyone representing Mr. Murr." You explain that some of the requested information has already been released to the requestor. You assert that the remaining information is excepted from required public disclosure under sections 552.101 and 552.108 of the Government Code. We have reviewed a representative sample of the requested information.¹

Section 552.108 of the Government Code states that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from required public disclosure "if release of the information would interfere with the detection, investigation, or prosecution of crime." Gov't Code § 552.108(a)(1). You inform us that federal and local law enforcement authorities are currently investigating potential criminal conduct surrounding Mr. Murr's contract for legal services in the Texas tobacco litigation. Where an incident involving allegedly criminal conduct is still under

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision No. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

active investigation, section 552.108 may be invoked by any proper custodian of information relevant to the incident. Open Records Decision Nos. 474 (1987), 372 (1983), 286 (1981). We therefore believe that the OAG has established that the release of the information "would interfere with the detection, investigation, or prosecution of crime." *Id.* Accordingly, the OAG may withhold the information at issue based on section 552.108(1) of the Government Code.

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.

Sincerely,



Kay H. Hastings
Assistant Attorney General
Open Records Division

KHH/nc

Ref.: ID# 126651

cc: Mr. Rich Oppel
New York Times
229 West 43rd Street
3rd Floor - Business / Financial
New York City, New York 10036
(w/o enclosures)