



August 24, 1999

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

OR99-2383

Dear Ms. Holt:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 126772.

The Office of the Attorney General received a request for “the transcript of the Dec. 5, 1998, national arbitration panel meeting in New York City in the tobacco case” and “any information the tobacco industry may have submitted to the panel.” You claim that the requested information is excepted from disclosure under sections 552.101, 552.103, 552.107, and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed a representative sample of the documents at issue.¹

Section 552.108 of the Government Code excepts from disclosure certain law enforcement records. We previously ruled that the submitted information is excepted from disclosure under section 552.108 because it “relates to an investigation being conducted by the Federal Bureau of Investigation and . . . both the FBI and the United States Attorney have requested that the information not be released.” Open Records Letter No. 99-1431 at 2 (1999). You

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 Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

informed us on June 28, 1999 that the federal investigation is ongoing. You may, therefore, continue to withhold the submitted information from disclosure under section 552.108 in accordance with Open Records Letter No. 99-1431.

Because we are able to resolve this matter under section 552.108, we do not address your additional arguments against disclosure. 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,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 126772

Encl. Submitted documents

cc: Mr. Clay Robison
Houston Chronicle
1005 Congress Avenue, Suite 770
Austin, Texas 78701
(w/o enclosures)