



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 10, 1996

Ms. Roberta A. Lloyd
Assistant County Attorney
Harris County
1001 Preston, Suite 634
Houston, Texas 77002-1891

OR96-0010

Dear Ms. Lloyd:

You seek reconsideration of our ruling in Open Records Letter No. 94-225 (1994), in which this office determined that certain information in the possession of the Harris County Constable (the "county") is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. We have assigned your request for reconsideration ID# 26817.

The county received a request under the Texas Open Records Act for the identity of the person who filed a complaint against an employee of the constable's office. You claim that sections 552.108 and 552.111 of the Government Code except this information from required public disclosure. You have submitted the information to us for review and have indicated which information you seek to withhold under the asserted exceptions.

As we noted in Open Records Letter 94-225, the names and identities of persons who make complaints against law enforcement officers are generally not protected under section 552.108. Open Records Decision Nos. 562 (1990) at 10; 350, 342, 329, 315 (1982); 208 (1978). Section 552.108 applies if a governmental body demonstrates how the release of requested information would unduly interfere with law enforcement or crime prevention or if the requested information demonstrates as much on its face. Open Records Decision No. 518 (1989).

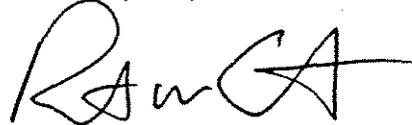
We have examined the documents submitted to us for review. They relate to an internal investigation and disciplinary matter involving allegations of employee misconduct; they do not contain any allegations of criminal activity. You have not explained how releasing the information requested here would subject the complainant to possible future intimidation or harassment or would otherwise unduly interfere with law enforcement or crime prevention. In addition, because this matter did not involve any

allegations of criminal activity, we cannot see from the face of the documents how releasing them would unduly interfere with law enforcement or crime prevention. Accordingly, the county may not withhold the requested information under section 552.108 of the Government Code.

In your request for a reconsideration, you also assert section 552.111 of the Government Code as authority for withholding some of the requested information. However, in your initial request for a ruling from this office, you did not assert that section 552.111 excepted any of the requested information from disclosure. Ordinarily, a governmental body may not assert additional exceptions to required public disclosure once the ten-day period set forth in section 552.301(a) of the Government Code has expired. *See* Open Records Decision No. 515 (1988). Furthermore, section 552.111 does not except from disclosure information regarding routine personnel matters, such as disciplinary actions. *See* Open Records Decision No. 615 (1993) (holding that section 552.111 does not except information relating to routine administrative or personnel matters). Accordingly, the county must release the requested information in its entirety.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Robert W. Schmidt
Assistant Attorney General
Open Records Division

RWS/GCK/ch

Ref.: ID# 26817

Enclosures: Submitted documents

cc: Mr. Hugh L. McKenney
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(w/o enclosures)