



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 29, 1996

Mr. John Steiner  
Division Chief  
City of Austin  
Department of Law  
P.O. Box 1088  
Austin, Texas 78767-1088

OR96-1319

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 32417.

The City of Austin (the "city") received an open records request for, among other things, the "age (or d.o.b.), rank, race, gender and years of service (or start date) of all [police] officers who responded to" to an incident at 1607 Cedar Avenue. You contend that the city may withhold this information pursuant to sections 552.103 and 552.108 of the Government Code. It is unclear whether the requestor also seeks the names of the police officers who responded to the incident. However, after speaking with a city representative, we understand that the city is treating this request as one for the names of the responding officers as well as the other requested information.

You explain that the city has already released the "printout from the Computer Aided Dispatch (CAD) system for the particular incident in question." This CAD printout lists the names of officers that were dispatched to or arrived on the scene as backup. Most if not all of the names of the responding police officers are listed on the CAD printout which the city has already released to the media. Based on this prior disclosure to the media, we conclude that the city may not now claim sections 552.103 and 552.108 because of the prohibition against selective disclosure in section 552.007 of the Government Code.

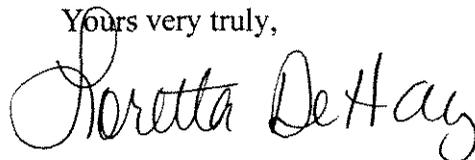
Once information has been disclosed to any member of the public, a governmental body is ordinarily precluded from withholding the information in response to subsequent requests, unless release is expressly prohibited by law. Open Records Decision Nos. 518 (1989), 436 (1986), 435 (1986). Therefore, because the city has previously released the names of the responding officers and release of this information is not prohibited by law, we conclude that the information may not be withheld in this instance. Thus, we do not address your arguments under sections 552.103 and 552.108, at least with respect to the identities of the officers responding to the incident.

We next address your arguments that sections 552.103 and 552.108 except from disclosure the age, rank, race, gender and years of service of the responding officers. Section 552.108 excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime,” and “[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution.” Gov’t Code § 552.108; *see Holmes v. Morales*, 39 Tex. Sup. Ct. J. 781, 1996 WL 325601 (June 14, 1996). We do not believe, however, that the types of information at issue here can reasonably be said to “deal[] with the detection, investigation, or prosecution of crime” or consist of “internal” law-enforcement information. Rather, these are the types of personnel information that should routinely be made available to the public. *See* Loc. Gov. Code § 143.089(f); Open Records Decision No. 562 (1990) (information in police officer’s civil service file available to public unless exception to disclosure applies).

In light of the above, we also do not believe that the city may withhold the age, rank, race, gender and years of service of the responding officers pursuant to section 552.103, which protects information that “relates” to pending or reasonably anticipated litigation. *See generally* Open Records Decision No. 551 (1990). You have not explained, nor is it apparent to this office, how this information “relates” to pending or reasonably anticipated litigation. The city must therefore release this information in its entirety.

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 under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/RWP/rho

Ref.: ID# 32417

Enclosures: Submitted documents

cc: Mr. Jim Phillips  
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(w/o enclosures)

