



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 28, 2007

Ms. Karen Rabon  
Assistant Attorney General  
Public Information Coordinator  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548

OR2007-12701

Dear Ms. Rabon:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 290897.

The Office of the Attorney General (the "OAG") received three requests for information pertaining to several individuals and their crime victims' compensation claims. The OAG states it will release some information but asserts the submitted information is excepted from disclosure under sections 552.101, 552.132, and 552.136 of the Government Code. We have considered your claimed exceptions and have reviewed the submitted information.

Section 552.132 of the Government Code provides in pertinent part as follows:

(a) . . . , in this section, "crime victim or claimant" means a victim or claimant under Subchapter B, Chapter 56, Code of Criminal Procedure, who has filed an application for compensation under that subchapter.

(b) The following information held by the crime victim's compensation division of the attorney general's office is confidential:

(1) the name, social security number, address, or telephone number of a crime victim or claimant; or

- (2) any other information the disclosure of which would identify or tend to identify the crime victim or claimant.

Act of May 17, 2007, 80<sup>th</sup> Leg., R.S., ch. 290, § 1, 2007 Tex. Sess. Law Serv. 564 (to be codified as an amendment to Gov't Code § 552.132). When the crime victim or claimant is awarded compensation, section 552.132(c) requires the release of the crime victim's or claimant's name and the amount of compensation awarded. *Id.* The OAG states one claimant has received compensation and it has released the award amount. In most cases, the OAG would only be allowed to withhold the victim's or claimant's identifying information from public disclosure. In this instance, however, because the requestor knows the identities of the victims and claimant, withholding only the identifying information would not effectuate the purpose of the statute. Accordingly, we agree the OAG must withhold the requested information pursuant to section 552.132 of the Government Code. Because section 552.132 is dispositive, we do not address the OAG's other assertions.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

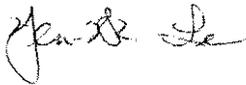
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Office of the Attorney General at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/sdk

Ref: ID# 290987

Enc: Submitted documents

c: Mr. Henry B. Gonzalez III  
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(w/o enclosures)