



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 4, 2008

Mr. Eric D. Bentley
Assistant General Counsel
University of Houston
311 East Cullen Building
Houston, Texas 77204-2028

OR2008-04534

Dear Mr. Bentley:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 307368.

The University of Houston Police Department (the "department") received a request for all information regarding the requestor's application with the department. You state you have released most of the responsive information to the requestor. You have submitted a Harris County law enforcement detail report, a department background investigation questionnaire, and a background investigation memorandum. The department takes no position with regard to the release of the submitted information, but claims that the City of Katy Police Department (the "city"), the entity that provided the information contained in a portion of the submitted information to the department, may wish to withhold this information. Thus, the department notified the city of this request and of its right to submit comments to this office. *See generally* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released). We have also considered comments submitted by the requestor. *See id.* However, as of the date of this letter, we have yet to receive comments from the city. Because we have not received any arguments against

disclosure of the submitted information and the submitted information is not otherwise confidential, it must be released at this time.¹

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 file suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such a challenge, 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 challenge 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

¹We note the requestor has a special right of access under section 552.023 to his own driver's license information. *See* Gov't Code § 552.023(b) (governmental body may not deny access to person to whom information relates, or that person's representative, solely on grounds that information is considered confidential by privacy principles). If the department receives another request for this information from a person who would not have a special right of access to this information, the department should resubmit this same information and request another decision. *See* Gov't Code §§ 552.301(a), .302; Open Records Decision No. 673 (2001).

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,



Laura E. Ream
Assistant Attorney General
Open Records Division

LER/jb

Ref: ID# 307368

Enc. Submitted documents

c: Mr. Jaidiane Manuel Montalvo
19958 Fort Stanton Drive
Katy, Texas 77449
(w/o enclosures)