



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 14, 2009

Ms. Jakki A. Hansen
Assistant General Counsel
Metropolitan Transit Authority
P. O. Box 61429
Houston, Texas 77208-1429

OR2009-14552

Dear Ms. Hansen:

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# 358256.

The Metropolitan Transit Authority of Harris County ("METRO") received a request for documents related to weekly or monthly status checks of camera operations, e-mails related to repair requests of these cameras, and e-mails to or from any police department chief or assistant chief regarding the allocation of patrols at Park and Ride facilities related to security camera functions. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted representative sample of information.²

¹Although, you initially raised sections 552.101 through 552.147 of the Government Code, you have not submitted arguments, other than under section 552.108, explaining the applicability of the claimed exceptions. Therefore, we presume you have withdrawn the remaining exceptions. See Gov't Code §§ 552.301, 302.

²We assume that the "representative sample" of information 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.

Initially, we note portions of the submitted information, which we have indicated, are not responsive to the instant request because it was created after the date METRO received this request, or because it does not pertain to security camera functions.³ METRO need not release non-responsive information in response to this request, and this ruling will not address that information.

Section 552.108(b)(1) of the Government Code exempts from required public disclosure an internal record of a law enforcement agency maintained for internal use in matters relating to law enforcement or prosecution if "release of the internal record or notation would interfere with law enforcement or prosecution." Gov't Code § 552.108(b)(1). Section 552.108(b)(1) is intended to protect "information which, if released, would permit private citizens to anticipate weaknesses in a police department, avoid detection, jeopardize officer safety, and generally undermine police efforts to effectuate the laws of this State." *See City of Ft. Worth v. Cornyn*, 86 S.W.3d 320 (Tex. App.—Austin 2002, no writ). To demonstrate the applicability of this exception, a governmental body must meet its burden of explaining how and why release of the requested information would interfere with law enforcement and crime prevention. Open Records Decision No. 562 at 10 (1990). This office has concluded that section 552.108(b) exempts from public disclosure information relating to the security or operation of a law enforcement agency. *See, e.g.*, Open Records Decision Nos. 531 (1989) (release of detailed use of force guidelines would unduly interfere with law enforcement), 456 (1987) (release of forms containing information regarding location of off-duty police officers in advance would unduly interfere with law enforcement), 413 (1984) (release of sketch showing security measures to be used at next execution would unduly interfere with law enforcement), 341 (1982) (release of certain information from Department of Public Safety would unduly interfere with law enforcement because release would hamper departmental efforts to detect forgeries of drivers' licenses), 252 (1980) (section 552.108 is designed to protect investigative techniques and procedures used in law enforcement), 143 (1977) (disclosure of specific operations or specialized equipment directly related to investigation or detection of crime may be excepted).

You contend that the release of the submitted information "would significantly and unduly interfere with law enforcement."⁴ Specifically, you contend that release of the information at issue "would give persons insight into where weaknesses in security exist," and that this knowledge would allow criminals to target more vulnerable facilities, and avoid detection by police officers. You assert that "a brief analysis of the information as a whole will show patterns as they relate to the operational status of the security cameras...and the specific

³We have marked a representative sample of information that is non-responsive because it is unrelated to security camera functions.

⁴Although you submitted the information marked Exhibit 4 as a supporting document, we find it is also responsive to the instant request.

METRO property it impacts.” Finally, you argue that release of the submitted information would “interfere with METRO’s efforts to reduce crime and increase safety.” Based upon your representations and our review, we find that release of a portion of the information, which we have marked, would interfere with law enforcement. However, we find you have failed to explain how or why release of the remaining information would interfere with law enforcement or crime prevention. We therefore conclude METRO may only withhold the information we have marked pursuant to section 552.108(b)(1) of the Government Code. The remaining information must be released.

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Jennifer Burnett
Assistant Attorney General
Open Records Division

JB/eeg

Ref: ID# 358256

Enc. Submitted documents

c: Requestor
(w/o enclosures)