



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 10, 2009

Mr. C. Patrick Phillips
Assistant City Attorney
City of Fort Worth
1000 Throckmorton Street, 3rd Floor
Fort Worth, Texas 76102

OR2009-15981

Dear Mr. Phillips:

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# 360948.

The City of Fort Worth (the "city") received a request for information pertaining to three arrests involving the requestor. You state you released the incident reports pertaining to two of the arrests. You state you have redacted certain Texas motor vehicle record information from the remaining submitted report under section 552.130 of the Government Code pursuant to the previous determinations issued by this office in Open Records Letter Nos. 2006-14726 (2006) and 2007-00198 (2007). *See* Gov't Code § 552.301(a); Open Records Decision No. 673 at 7-8 (2001). You claim the marked information in the submitted report is excepted from disclosure under section 552.151 of the Government Code. We have considered the exception you claim and reviewed the submitted report.

Initially, we note the requestor specifically seeks a certified judgment or conviction document, a final court disposition, and a clearance letter for the three specified arrests. You inform this office the city does not possess any of these documents. You also state the incident reports are the only documents the city has that pertain to the arrests. As you have made a good faith effort to relate the request to information held by the city and have identified the submitted and released incident reports as being potentially responsive to the request, we will address your arguments for the submitted report. *See* Open Records Decision No. 561 at 8 (1990) (governmental body must make a good faith effort to relate a request to information held by the governmental body).

You seek to withhold the name and identification number of an undercover officer from the submitted report pursuant to section 552.151 of the Government Code, which provides:

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from the requirements of Section 552.021 if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm.

Gov't Code § 552.151. You state release of the name and identification number of the undercover police officer would allow suspected criminals to identify the officer in future undercover operations, thereby putting the officer at risk. Based on your representations, we find the city has demonstrated that release of this information would subject the officer to a substantial threat of physical harm. We therefore conclude the city must withhold the officer's name and identification number, which you have marked, under section 552.151.

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,



Bob Davis
Assistant Attorney General
Open Records Division

RSD/cc

Ref: ID# 360948

Enc. Submitted documents

cc: Requestor
(w/o enclosures)
