



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 4, 2010

Ms. Mary Azam
Records Custodian
Georgetown Police Department
P. O. Box 809
Georgetown, Texas 78727

OR20010-00008

Dear Ms. Azam:

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# 366115.

The City of Georgetown (the "city") received a request for the visitors log of all the requestor's visits to the Georgetown police department from September 19, 2009 to the date of the request. You claim that the submitted information is excepted from disclosure under sections 552.108 and 552.117 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108 of the Government Code provides in pertinent part as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure] if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

...

¹Although you raise section 552.1175 of the Government Code for a portion of the submitted information, we note that section 552.117 of the Government Code is the proper exception to raise in this instance because the city holds the submitted information in an employment capacity.

(b) An 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 is excepted from [required public disclosure] if:

(1) release of the internal record or notation would interfere with law enforcement or prosecution[.]

Gov't Code § 552.108(a)(1), (b)(1). Section 552.108(a)(1) protects information, the release of which would interfere with a particular pending criminal investigation or prosecution, while section 552.108(b)(1) encompasses internal law enforcement and prosecution records, the release of which would interfere with on-going law enforcement and prosecution efforts in general. A governmental body that claims an exception to disclosure under section 552.108 must reasonably explain how and why this exception is applicable to the information that the governmental body seeks to withhold. *See id.* §§ 552.108(a)(1), (b)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977).

You state that release of the submitted visitors log would have a “chilling effect on the other persons listed in the visitors log who seek assistance from the police department.” You have identified information within the submitted visitors log that relates to pending cases. However, upon review, we find that the city has not demonstrated how release of the information you have marked would interfere with a pending criminal prosecution or law enforcement and prosecution efforts in general. Therefore, you may not withhold the submitted visitors log under section 552.108 of the Government Code.

Section 552.117(a)(2) excepts from public disclosure the home addresses, home telephone numbers, and social security number of a peace officer, as well as information that reveals whether the peace officer has family members, regardless of whether the peace officer complies with section 552.024 of the Government Code.² Gov't Code § 552.117(a)(2). Therefore, the city must withhold the information we have marked under section 552.117(a)(2) of the Government Code. As you raise no further exceptions to disclosure, the remaining information must be released.

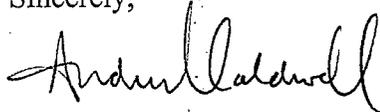
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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)

²“Peace officer” is defined by Article 2.12 of the Texas Code of Criminal Procedure.

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,



Andrea L. Caldwell
Assistant Attorney General
Open Records Division

ALC/eeg

Ref: ID# 366115

Enc. Submitted documents

c: Requestor
(w/o enclosures)