



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 26, 2010

Ms. Neera Chatterjee  
The University of Texas System  
Office of the General Counsel  
201 West Seventh Street  
Austin, Texas 78701

OR2010-01222

Dear Ms. Chatterjee:

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# 368188 (OGC # 122085).

The University of Texas at Brownsville and Texas Southmost College (the "university") received a request for the surveillance video pertaining to a specified incident. You claim that the submitted information is excepted from disclosure under section 552.108 of the Government Code. You also state you notified the United States Attorney's Office (the "U.S. Attorney") and Office of Border Patrol of the request and of their right to submit arguments as to why the requested information should not be released. *See* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released). We have received arguments from the U.S. Attorney. We have considered the submitted arguments and reviewed the submitted video recording.

Section 552.108(a)(1) of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime." *Id.* § 552.108(a)(1). A governmental body claiming section 552.108 must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). We have received a letter from the U.S. Attorney objecting to the release of the submitted video recording because its release

would interfere with a pending criminal prosecution by the U.S. Attorney. Based on this representation, we conclude the release of this information would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases). Thus, we find section 552.108(a)(1) is applicable to the submitted video recording, and the university may withhold it under section 552.108(a)(1) of the Government Code.

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](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,



Christina Alvarado  
Assistant Attorney General  
Open Records Division

CA/rl

Ref: ID# 368188

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)