



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 24, 2010

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

OR2010-02742

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# 371906 (City of Fort Worth Public Information Request No. 1153-10).

The City of Fort Worth (the "city") received a request for information pertaining to a specified case number. You state you have redacted social security numbers pursuant to section 552.147 of the Government Code.¹ You claim portions of the submitted information are exempted from disclosure under sections 552.108 and 552.151 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You raise section 552.108 for portions of the submitted information. Section 552.108(b)(1) provides:

(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 exempted from [required public disclosure] if:

¹Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act. Gov't Code § 552.147(b).

(1) 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) protects information the public disclosure of which would interfere with law enforcement and crime prevention. *See City of Fort Worth v. Cornyn*, 86 S.W.3d 320, 327 (Tex. App.—Austin 2002, no pet.) (section 552.108(b)(1) protects information that, if released, would permit private citizens to anticipate weaknesses in police departments, avoid detection, jeopardize officer safety, and generally undermine police efforts to effectuate state laws); Open Records Decision Nos. 562 at 10 (1990), 531 at 2 (1989). A governmental body claiming section 552.108(b)(1) must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See* Gov't Code §§ 552.108(b)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977).

You contend the e-mail screen name you have highlighted in blue in the submitted incident report is used for police investigation purposes. You state release of the screen name would reveal how police investigate online criminal activity and allow individuals to avoid arrest for these activities. Based on your representations and our review, we conclude the city has demonstrated that the release of this information would interfere with law enforcement and crime prevention. Thus, we conclude the city may withhold the blue-highlighted e-mail screen name under section 552.108(b)(1) of the Government Code.

You seek to withhold the name and identification number of an undercover police officer from the remaining information. Section 552.151 of the Government Code provides as follows:

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 represent to this office that the release of the name and identification number of the undercover police officer at issue would cause the officer to face a substantial threat of physical harm. Based on your representation, we find the city has demonstrated that the release of the information at issue would subject the officer to a substantial threat of physical harm. We therefore conclude the city must withhold the name and identification number of the undercover police officer, which you have highlighted in yellow, under section 552.151.

In summary, the city may withhold the blue-highlighted information under section 552.108(b)(1) of the Government Code. The city must withhold the yellow-

highlighted information under section 552.151 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,



Christina Alvarado
Assistant Attorney General
Open Records Division

CA/rl

Ref: ID# 371906

Enc. Submitted documents

cc: Requestor
(w/o enclosures)