



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 23, 2010

Ms. Helen Valkavich  
Assistant City Attorney  
City of San Antonio  
P.O. Box 839966  
San Antonio, Texas 78283

OR2010-09200

Dear Ms. Valkavich:

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# 383747 (COSA File No. 10-0526).

The City of San Antonio (the "city") received a request for (1) personnel information of a named individual; (2) permits submitted for approval by Rapid Permit Services during a specified time; (3) e-mails referencing Rapid Permit Services; (4) e-mails referencing Rapid Permit; (5) all entries in a named individual's Outlook calendar during a specified time; and (6) a list of revoked certificates of occupancy connected with an investigation. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted representative sample of information.<sup>2</sup> We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

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<sup>1</sup>We note in your brief dated April 26, 2010, you withdraw your remaining assertions under the Act.

<sup>2</sup>We assume the "representative sample" of records 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 those records contain substantially different types of information than that submitted to this office.

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). The requestor argues section 552.108 is not applicable to the submitted information because it consists of routine administrative documents held by the city, which are routinely released by the city to the public. The requestor further contends because the city routinely releases copies of land permits, this information constitutes “information regarded as open to the public under an agency’s policies[.]” which is made expressly public under section 552.022(a)(15) of the Government Code. *See Gov’t Code* § 552.022(a)(15). However, the requestor does not direct us to any city policy which makes the submitted information expressly public. We note that although section 552.001 of the Government Code requires the Act “be liberally construed in favor of granting a request for information[.]” information may nevertheless be withheld from public disclosure if an exception under the Act applies. *Id.* 552.001(b).

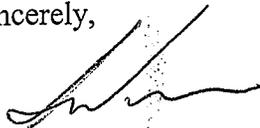
In this instance, you inform us the San Antonio Police Department’s Special Crimes Unit (“Special Crimes”) is currently investigating the named individual and his connection with Rapid Permit Services. You further state release of the submitted information will interfere with and impair the Special Crimes investigation. Additionally, in a letter sent to this office, the Bexar County District Attorney’s Office asserts release of the submitted information would impair its pending investigation and prosecution of this matter. Based on these representations and our review, we conclude the release of the submitted 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). Accordingly, we find the city demonstrated the applicability of section 552.108(a)(1) to the submitted information. Thus, the city may withhold the submitted information under section 552.108(a)(1).

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,



Ana Carolina Vieira  
Assistant Attorney General  
Open Records Division

ACV/eeg

Ref: ID# 383747

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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