



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 7, 2011

Ms. Myra K. Morris
Royston Razor
For Jim Well's County Sheriff's Office
1300 Frost Bank Building
802 North Carancahua
Corpus Christi, Texas 78401-0021

OR2011-01821

Dear Ms. Morris:

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# 408340 (File No. 46,769).

The Jim Wells County Sheriff's Office (the "sheriff"), which you represent, received a request for information related to a specified incident. You claim the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

Section 552.108 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." Gov't Code § 552.108(a)(1). Generally, 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* Gov't Code §§ 552.108(a)(1),

¹We 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 those submitted to this office.

(b)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state that the requested information relates to a ongoing criminal investigation and its release would interfere with the investigation and prosecution of the alleged crime. Based upon this representation and our review, we agree that section 552.108 applies to the requested information. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court delineates law enforcement interests that are present in active cases), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

However, section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle*. This information includes, but is not limited to, a detailed description of any offense, the name, age, and address of an arrested person, and the identification and description of the complainant. *See Open Records Decision No. 127 at 4–5 (1976)*. Accordingly, with the exception of basic information, the sheriff may withhold the requested information under section 552.108(a)(1) of the Government Code.

We note that the basic information in this instance contains information that may be subject to section 552.1175 of the Government Code, which provides in part:

Information that relates to the home address, home telephone number, or social security number of [a peace officer as defined by article 2.12 of the Code of Criminal Procedure], or that reveals whether the individual has family members is confidential and may not be disclosed to the public under this chapter if the individual to whom the information relates:

- (1) chooses to restrict public access to the information; and
- (2) notifies the governmental body of the individual's choice on a form provided by the governmental body, accompanied by evidence of the individual's status.

Gov't Code § 552.1175(b). Upon review, we find some of the basic information pertains to a peace officer that the sheriff does not hold in an employment context. Thus, to the extent the basic information relates to a currently licensed peace officer who elects to restrict access to the information in accordance with section 552.1175(b), the sheriff must withhold it under section 552.1175 of the Government Code. Conversely, if the peace officer at issue is not currently licensed or does not elect to restrict access to the information in accordance with section 552.1175(b), the sheriff may not withhold it pursuant to section 552.1175 of the Government Code.

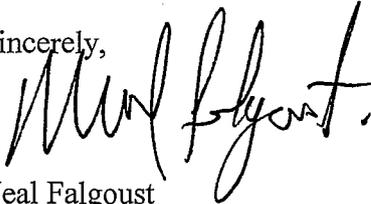
In summary, with the exception of basic information, the sheriff may withhold the requested information under section 552.108(a)(1) of the Government Code. In releasing basic

information, the sheriff must withhold any information subject to section 552.1175(b) of the Government Code, but only if the peace officer to whom it relates is currently licensed and makes a proper election under section 552.1175(b).

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,



Neal Falgoust
Assistant Attorney General
Open Records Division

NF/tf

Ref: ID# 408340

Enc. Submitted documents

c: Requestor
(w/o enclosures)