



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 28, 2011

Ms. Jessica C. Eales  
Assistant City Attorney  
City of Houston  
P. O. Box 368  
Houston, Texas 77001-0368

OR2011-02896

Dear Ms. Eales:

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# 410306 (GC No. 18050).

The Houston Police Department (the "department") received a request for (1) the department's training manual and procedures for the collection and handling of evidence, including "evidence that might be deemed DNA worthy for DNA testing[;]" (2) a list of reports in which a named individual is listed as a "reportee" [sic], witness, or complainant; and (3) an internal affairs complaint history for seven named officers. Although the department takes no position on the public availability of the submitted information, you state its release may implicate the proprietary interests of Sorenson Forensics ("Sorenson"). Accordingly, you notified Sorenson of this request for information and of its right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305(d); Open Records Decision No. 542 (1990) (statutory predecessor to Gov't Code § 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances). We have reviewed the submitted information and considered comments submitted by Sorenson. We have also considered comments submitted by the requestor. *See* Gov't Code § 552.304 (any

person may submit written comments stating why information at issue in request for Attorney General ruling should or should not be released).

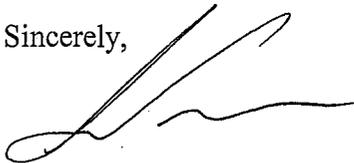
Initially, we note you have only submitted training materials responsive to the first item of the request. Therefore, to the extent any information responsive to items two and three of the request existed on the date the department received the request, we assume you have released it to the requestor. If you have not released any such information, you must release it to the requestor at this time. *See id.* §§ 552.301(a); .302; Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible under circumstances).

Sorenson does not object to the release of the submitted information but asserts it is protected by copyright. A custodian of public records must comply with the copyright law and is not required to furnish copies of records that are copyrighted. Open Records Decision No. 180 at 3 (1977). A governmental body must allow inspection of copyrighted materials unless an exception applies to the information. *Id.*; *see* Open Records Decision No. 109 (1975). If a member of the public wishes to make copies of copyrighted materials, the person must do so unassisted by the governmental body. In making copies, the member of the public assumes the duty of compliance with the copyright law and the risk of a copyright infringement suit. Thus, the department must release the submitted information, but any information protected by copyright may only be released in accordance with copyright law.

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# 410306

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Reed F. Winterton  
Sorenson Companies  
2511 South West Temple  
Salt Lake City, Utah 84115  
(w/o enclosures)