



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 22, 2011.

Ms. Katie Lentz  
Open Records  
Williamson County Sheriff's Office  
508 South Rock Street  
Georgetown, Texas 78626

OR2011-03891

Dear Ms. Lentz:

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# 415134.

The Williamson County Sheriff's Office (the "sheriff") received a request for a specified search warrant affidavit. We understand the requestor has agreed to the redaction of a Texas driver's license number. You claim that portions of the submitted information are excepted from disclosure under sections 552.101 and 552.151 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses criminal history record information ("CHRI") generated by the National Crime Information Center or by the Texas Crime Information Center. Title 28, part 20 of the Code of Federal Regulations governs the release of CHRI that states obtain from the federal government or other states. Open Records Decision No. 565 (1990). The federal regulations allow each state to follow its individual law with respect to CHRI it generates. *Id.* Section 411.083 of the Government Code deems confidential CHRI that the Texas Department of Public Safety ("DPS") maintains, except that DPS may disseminate this information as provided in chapter 411, subchapter F of the Government Code. *See* Gov't Code § 411.083. Sections 411.083(b)(1) and 411.089(a) authorize a criminal justice agency to obtain CHRI; however, a criminal justice agency may not release CHRI except to another

criminal justice agency for a criminal justice purpose. *Id.* § 411.089(b)(1). Other entities specified in chapter 411 of the Government Code are entitled to obtain CHRI from DPS or another criminal justice agency; however, those entities may not release CHRI except as provided by chapter 411. *See generally id.* §§ 411.090-.127. Thus, any CHRI obtained from DPS or any other criminal justice agency must be withheld under section 552.101 of the Government Code in conjunction with Government Code chapter 411, subchapter F. We note information relating to routine traffic violations is not excepted from release under section 552.101 of the Government Code on this basis. *Cf. id.* § 411.082(2)(B). Upon review, we find that most of the information you have marked consists of CHRI, which must be withheld under section 552.101 of the Government Code in conjunction with chapter 411 of the Government Code. However, the remaining information, which we have marked, pertains to a routine traffic violation and may not be withheld under section 552.101 on that basis. As you raise no further exceptions against disclosure for the information we have marked, it must be released.

Next, you seek to withhold the names of undercover narcotics deputies listed in the submitted report under section 552.151 of the Government Code, which 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 identifying information of the undercover narcotics deputies at issue would cause the deputies to face a substantial threat of physical harm. Based on your representation, we find the sheriff has demonstrated that release of the information at issue would subject the deputies to a substantial threat of physical harm. We therefore conclude that the sheriff must withhold the names of the undercover narcotics deputies, which you have marked, under section 552.151 of the Government Code.

In summary, except for the information we have marked for release, the sheriff must withhold the information you have marked under section 552.101 of the Government Code in conjunction with chapter 411 of the Government Code. The sheriff must also withhold the marked names of the undercover narcotics deputies under section 552.151 of the Government Code. As no further exceptions are raised, 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](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,



Laura Ream Lemus  
Assistant Attorney General  
Open Records Division

LRL/tf

Ref: ID# 415134

Enc. Submitted documents

c: Requestor  
(w/o enclosures)