



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 26, 2011

Mr. Gregory A. Alicie
Open Records Specialist
Baytown Police Department
3200 North Main Street
Baytown, Texas 77521

OR2011-05713

Dear Mr. Alicie:

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# 415732.

The Baytown Police Department (the "department") received a request for a full copy of report number 11-3328. You claim portions of the submitted report are excepted from disclosure under sections 552.147 and 552.151 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You have marked partial social security numbers in the report under section 552.147 of the Government Code. This section provides "[t]he social security number of a living person is excepted from" required public disclosure under the Act. Gov't Code § 552.147. Therefore, the department may withhold the marked partial social security numbers in the report under section 552.147 of the Government Code.¹

Section 552.151 of the Government Code provides:

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.

¹We note that section 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. See Gov't Code § 552.147(b).

Id. § 552.151. You state the information you marked in the report under section 552.151 relates to the identities of undercover police officers. You also state that release of this information would subject these undercover officers to a substantial threat of physical harm. Based on your representations and our review, we conclude you have demonstrated that release of this information would subject these officers to a substantial threat of physical harm. Therefore, we find the department must withhold the information marked in the report under section 552.151 of the Government Code. The remaining information must be released.

In summary, the department may withhold the marked partial social security numbers under section 552.147 of the Government Code. The department must withhold the information marked 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,



Kenneth Leland Conyer
Assistant Attorney General
Open Records Division

KLC/eeg

Ref: ID# 415732

Enc. Submitted documents

c: Requestor
(w/o enclosures)