



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 26, 2011

Ms. Shannon C. Francis  
Assistant County Attorney  
Williamson County  
405 Martin Luther King Street, Box 7  
Georgetown, Texas 78626

OR2011-07447

Dear Ms. Francis:

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# 419053.

The Williamson County Attorney's Office received a request for the dash camera video and audio recordings related to a specified incident. You claim the submitted information is excepted from disclosure under sections 552.103, 552.108, and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the submitted recordings are part of a completed investigation, which is subject to section 552.022 of the Government Code. Under section 552.022(a)(1), completed investigations and completed reports are expressly public unless they are either excepted under section 552.108 of the Government Code or expressly confidential under other law. You raise section 552.103 for the submitted information. This section, however, is a discretionary exception to disclosure that protects only a governmental body's interests and may be waived. *See id.* § 552.007; *Dallas Area Rapid Transit v. Dallas Morning News*, 4 S.W.3d 469, 475-76 (Tex. App.—Dallas 1999, no pet.) (governmental body may waive section 552.103); Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally), 473 (1987) (section 552.103 may be waived). As such, section 552.103 is not other law that makes information confidential for the purposes of section 552.022. Consequently, you may not withhold any of the submitted information under section 552.103

subject to section 552.022(a)(1) may be withheld under this exception, we will consider its applicability to the submitted information.

Section 552.108(a)(1) of the Government Code provides in relevant part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure] if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from [required public disclosure] if:

(1) release of the internal record or notation would interfere with law enforcement or prosecution[.]

Gov't Code § 552.108(a)(1), (b)(1). Section 552.108(a)(1) protects information, the release of which would interfere with a particular pending criminal investigation or prosecution. Section 552.108(b)(1) protects internal law enforcement and prosecution records, the release of which would interfere with law enforcement and prosecution efforts in general. A governmental body claiming section 552.108 must reasonably explain how and why the release of the requested information would interfere with law enforcement. *Id.* § 552.301(e)(1)(A). You state the submitted recordings relate to a criminal prosecution that concluded with a conviction. You further state that, as of the date of the request, the deadline to file a motion for new trial or notice of appeal had not passed. However, the mere chance of an appeal is insufficient to demonstrate that release of the submitted information will interfere with law enforcement efforts. Therefore, you have not demonstrated how release of the information at issue would interfere either with the detection, investigation, or prosecution of a particular crime or with law enforcement or prosecutorial efforts in general. Thus, you may not withhold the submitted recordings under section 552.108(a)(1) or section 552.108(b)(1) of the Government Code. As you raise no further exceptions for this information, it must be released to the requestor.<sup>1</sup>

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<sup>1</sup> You state portions of the submitted recordings contain audible social security numbers. We note 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 an attorney general decision under the Act. Gov't Code § 552.147(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](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,



Misty Haberer Barham  
Assistant Attorney General  
Open Records Division

MBZ/bs

Ref: ID# 419053

Enc. Submitted documents

c: Requestor  
(w/o enclosure)