



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 12, 2012

Ms. Sylvia McClellan
Assistant City Attorney
City of Dallas
1400 South Lamar
Dallas, Texas 75215

OR2012-03664

Dear Ms. McClellan:

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# 447862 (Dallas No. 2011-11879).

The Dallas Police Department (the “department”) received a request for all police records related to Union Station during 2011 including memoranda, reports, e-mails or similar documentation and all correspondence between or among department commanders and members of Amtrak, DART, DEA, ATF, TSA, FBI, and CIA. You claim a portion of the submitted 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(a)(1) of the Government Code 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). A governmental body

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 that those records contain substantially different types of information than that submitted to this office.

must reasonably explain how and why section 552.108 is applicable to the information at issue. *See id.* § 552.301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the submitted information relates to a pending case or cases and the department as well as the Dallas County District Attorney's Office object to release of the information you have marked under section 552.108(a)(1). Based on these representations and our review, we conclude release of information we have marked related to the facts of the case would interfere with the detection, investigation, or prosecution of a crime. *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 per curiam*, 536 S.W.2d 559 (Tex. 1976). However, the remaining information is administrative in nature and you have not demonstrated how release of administrative information would interfere with the detection, investigation, or prosecution of a crime. Accordingly, the department may withhold information we have marked related to the facts of the case on the basis of section 552.108(a)(1) but may not withhold the remaining, administrative information.

We note the remaining information contains an e-mail address of a member of the public.² Section 552.137 excepts from disclosure “an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body,” unless the owner of the e-mail address consents to its release or the e-mail address falls within the scope of section 552.137(c). *See Gov't Code* § 552.137(a)-(c). The department must withhold the information we have marked under section 552.137 of the Government Code unless it receives consent from the owner of the e-mail address for its release.

In summary, the department may withhold information we have marked under section 552.108(a)(1) of the Government Code. The department must withhold the e-mail address we have marked under section 552.137 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

²The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

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,

A handwritten signature in black ink that reads "Jessica Marsh". The signature is written in a cursive style with a large initial "J" and "M".

Jessica Marsh
Assistant Attorney General
Open Records Division

JM/em

Ref: ID# 447862

Enc. Submitted documents

c: Requestor
(w/o enclosures)