



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 3, 2012

Mr. Ronald J. Bounds
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR2012-04772

Dear Mr. Bounds:

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# 449694 (CCPD File Number DRum1).

The Corpus Christi Police Department (the "department") received a request for information pertaining to a specified accident. You state the department is making some information available to the requestor. You claim the submitted photographs are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information made confidential by other statutes, such as section 143.090 of the Local Government Code. You state the City of Corpus Christi is a civil service city under chapter 143 of the Local Government Code. Section 143.090 provides as follows:

A department, [the Fire Fighters' and Police Officers' Civil Service Commission], or municipality may not release a photograph that depicts a police officer unless:

- (1) the officer has been charged with an offense by indictment or by information;
- (2) the officer is a party in a civil service hearing or a case before a hearing examiner or in arbitration;
- (3) the photograph is introduced as evidence in a judicial proceeding; or
- (4) the officer gives written consent to the release of the photograph.

Local Gov't Code § 143.090. You state the submitted photographs include depictions of police officers. You inform us that none of the police officers depicted in the submitted photographs have provided the department with written consent regarding the release of the photographs. You further inform us none of the exceptions under section 143.090 are applicable. Therefore, the department must withhold the photographs we have indicated under section 552.101 in conjunction with section 143.090 of the Local Government Code. However, the remaining photographs do not depict police officers and may not be withheld under section 552.101 in conjunction with section 143.090 of the Local Government Code.

We note some of the remaining photographs contain license plate numbers. Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle title or registration issued by an agency of this state or another state or country.¹ Gov't Code § 552.130(a)(2). The department must withhold the license plate numbers in the photographs we have indicated under section 552.130. You state the department does not have the technical capability to redact information from the submitted photographs. We note, however, the photographs may be printed out, which would make it possible for the department to redact the information at issue by marking out the information on the printed photographs.

In summary, the department must withhold the photographs we have indicated under section 552.101 of the Government Code in conjunction with section 143.090 of the Local Government Code. The department must withhold the license plate numbers in the photographs we have indicated under section 552.130 of the Government Code. The remaining photographs must be released.

¹The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. See Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

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,



Ana Carolina Vieira
Assistant Attorney General
Open Records Division

ACV/ag

Ref: ID# 449694

Enc. Submitted documents

c: Requestor
(w/o enclosures)