



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 12, 2012

Ms. Tiffany N. Evans
Assistant City Attorney
City of Houston
P.O. Box 368
Houston, Texas 77001-0368

OR2012-10819

Dear Ms. Evans:

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# 458752 (GC# 19614).

The Houston Police Department (the "department") received a request for specified documents regarding trafficking of persons. You state the department will make some of the information available to the requestor. Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the interests of the Regional Organized Crime Information Center ("ROCIC"). Accordingly, you state, and provide documentation showing, you notified ROCIC of the request for information and of its right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have received comments from ROCIC. We have reviewed the submitted information and the submitted arguments.

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. Part 23 of title 28 of the Code of Federal Regulations was established to regulate intelligence databases pertaining to certain criminal activities that involve a large number of participants over a broad geographical area. *See* 28 C.F.R. § 23.2 (background of part 23). The policy

standards of part 23 are applicable to all criminal intelligence systems operating through support under the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3711 *et seq.* *Id.* § 23.3(a). For purposes of part 23, an intelligence project “means the organizational unit which operates an intelligence system on behalf of and for the benefit of a single agency or the organization which operates an interjurisdictional intelligence system on behalf of a group of participating agencies[.]” *Id.* § 23.3(b)(5). For purposes of part 23, a criminal intelligence system “means the arrangements, equipment, facilities, and procedures used for the receipt, storage, interagency exchange or dissemination, and analysis of criminal intelligence information[.]” *Id.* § 23.3(b)(1). The release of criminal intelligence information by an intelligence project or an authorized recipient is governed by section 23.20 of part 23, which provides, in relevant part,

(e) A project or authorized recipient shall disseminate criminal intelligence information only where there is a need to know and a right to know the information in the performance of a law enforcement activity.

(1) Except as noted in paragraph (f)(2) of this section, a project shall disseminate criminal intelligence information only to law enforcement authorities who shall agree to follow procedures regarding information receipt, maintenance, security, and dissemination which are consistent with these principles.

(2) Paragraph (f)(1) of this section shall not limit the dissemination of an assessment of criminal intelligence information to a government official or to any other individual, when necessary, to avoid imminent danger to life or property.

Id. § 23.20(e)-(f). ROCIC explains it is one of six Regional Information Sharing Systems (“RISS”) Centers funded through the Bureau of Justice Assistance of the United States Department of Justice. ROCIC informs us as a RISS Center, it provides services to local, state, federal, and tribal law enforcement and criminal justice agencies within the United States and throughout the world. Thus, we understand ROCIC is a intelligence project for purposes of part 23. ROCIC indicates the submitted document consists of secure communications that relate to information sharing resources and investigative support provided to criminal justice agencies to combat multijurisdictional crimes. Thus, we understand the information at issue was generated from a criminal intelligence system subject to section 23.20 and provided to the department as an authorized recipient in accordance with section 23.20. Based on this understanding, we conclude the submitted information is confidential under section 23.20 and may be released only in accordance with that section.

The requestor is not a law enforcement authority. *See id.* § 23.20(f)(1). In addition, the requestor does not have a right to know the information at issue for purposes of section 23.20(e), and we have no indication the release of the information is necessary to

avoid imminent danger to life or property. *Id.* § 23.20(f)(2). Therefore, we conclude the submitted information is confidential pursuant to section 23.20 of title 28 of the Code of Federal Regulations, and the department must withhold it under section 552.101 of the Government Code.¹

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,



Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/som

Ref: ID# 458752

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Ms. Donna Williams
Director
Regional Organized Crime Information Center
545 Marriott Drive, Suite 850
Nashville, Tennessee 37214
(w/o enclosures)

¹As our ruling is dispositive, we do not address ROCIC's claim under section 552.108 of the Government Code.