



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 14, 2013

Deputy Danie Huffman
Public Information Officer
Parker County Sheriff's Office
129 Hogle Street
Weatherford, Texas 76086

OR2013-02564

Dear Deputy Huffman:

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# 478858.

The Parker County Sheriff's Office (the "sheriff's office") received a request for the reports and call records pertaining to four specified incidents. You state you have released some of the requested information. You further state some of the requested information does not exist.¹ You claim portions of the submitted information are excepted from disclosure under section 552.1425 of the Government Code.² We have considered the exception you claim and reviewed the submitted information.

You seek to withhold a portion of the submitted information under section 552.1425 of the Government Code, which provides in relevant part:

(a) A private entity that compiles and disseminates for compensation criminal history record information may not compile or disseminate information with respect to which the entity has received notice that:

¹The Act does not require a governmental body to release information that did not exist when it received a request or to create responsive information. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 555 at 1 (1990).

²Although you raise sections 552.108 and 552.147 of the Government Code, you have not submitted arguments explaining how these exceptions apply to the submitted information. Therefore, we presume you have withdrawn these exceptions. *See Gov't Code §§ 552.301, .302.*

(1) an order of expunction has been issued under Article 55.02, Code of Criminal Procedure; or

(2) an order of nondisclosure has been issued under Section 411.081(d).

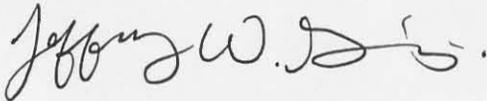
Gov't Code § 552.1425. This section only applies to a private entity that compiles and disseminates criminal history record information for compensation. The sheriff's office is a governmental body and not a private entity. *See id.* § 552.003. Thus, the sheriff's office may not withhold any of the submitted information under section 552.1425 of the Government Code.

We note the submitted information contains information subject to section 552.130 of the Government Code.³ Section 552.130 provides that information relating to a motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country is excepted from public release. *id.* § 552.130(a)(1). The sheriff's office must withhold the information we have marked under section 552.130 of the Government Code. As no other exceptions against disclosure are raised, 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,



Jeffrey W. Giles
Assistant Attorney General
Open Records Division

JWG/dls

³The 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).

Ref: ID# 478858

Enc. Submitted documents

c: Requestor
(w/o enclosures)

