



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 12, 2013

Ms. Susan Camp-Lee
Sheets & Crossfield, P.C.
309 East Main Street
Round Rock, Texas 78664-5246

OR2013-15902

Dear Ms. Camp-Lee:

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# 499063.

The Round Rock Police Department (the "department"), which you represent, received a request for information pertaining to a specified incident. You state you are releasing some information to the requestor. You claim some 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 information.

Section 552.108(a)(3) of the Government Code excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . it is information relating to a threat against a peace officer or detention officer collected or disseminated under Section 411.048 [of the Government Code.]" Gov't Code § 552.108(a)(3). A governmental body that claims an exception to disclosure under section 552.108 must reasonably explain how and why this exception is applicable to the information that the governmental body seeks to withhold. *See id.* § 552.301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977); Open Records Decision No. 434 at 2-3 (1986).

Section 411.048(b) of the Government Code provides in part:

[t]he bureau of identification and records [of the Texas Department of Public Safety ("DPS")] shall establish and maintain a central index in the law enforcement information system maintained by [DPS] to:

- (1) collect and disseminate information relating to an individual's expression of intent to inflict serious bodily injury or death on a peace officer or detention officer; and
- (2) alert a peace officer or detention officer of an expression of intent to inflict serious bodily injury or death on the officer.

Gov't Code § 411.048(b); *see also id.* § 411.041 (establishing bureau of identification and records as section of DPS's administrative division). You state the information at issue relates to "a threat against a peace officer collected or disseminated under [s]ection 411.048 of the Government Code." Based on your representations and our review, we conclude the information at issue constitutes information relating to a threat against a peace officer collected under section 411.048, and it may be withheld under section 552.108(a)(3) of the Government Code. As our ruling on this issue is dispositive, we do not address your remaining argument against disclosure.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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Cynthia G. Tynan
Assistant Attorney General
Open Records Division

CGT/ag

¹We note the requestor has a special right of access to some of the information being released in this instance. Gov't Code § 552.023 (person or person's authorized representative has special right of access to records that contain information relating to the person that are protected from public disclosure by laws intended to protect that person's privacy interests). Because such information may be confidential with respect to the general public, if the department receives another request for this information from a different requestor, the department must again seek a ruling from this office.

Ref: ID# 499063

Enc. Submitted documents

c: Requestor
(w/o enclosures)