



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 30, 2013

Ms. Cary Grace  
Assistant City Attorney  
Law Department  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767-8828

OR2013-16521A

Dear Ms. Grace:

This ruling examines Open Records Letter No. 2013-16521 (2013) and whether certain information is subject to required public disclosure under chapter 552 of the Government Code.

The City of Austin (the “city”) received a request for code compliance complaint number 135032241. In the city’s original request for a decision in this matter, the city claimed the requested information is excepted from disclosure under section 552.108(a)(2) of the Government Code. In Open Records Letter No. 2013-16521, we concluded the city may withhold the submitted information under section 552.108(a)(1) of the Government Code. We have re-examined our ruling in Open Records Letter No. 2013-16521 and determined that we made an error. Where this office determines that an error was made in the decision process under sections 552.301 and 552.306, and that error resulted in an incorrect decision, we will correct the previously issued ruling. Consequently, this decision serves as the correct ruling and is a substitute for the decision issued on September 24, 2013.

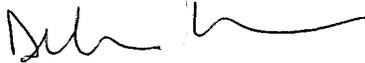
Section 552.108(a)(2) of the Government Code excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime ... if... it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]” Gov’t Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal

investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested). You state the submitted information pertains to a closed criminal investigation that ended in a result other than conviction or deferred adjudication. Thus, the city may withhold the submitted information under section 552.108(a)(2) of the Government Code. Open Records Letter No. 2013-16521 is overruled to the extent it conflicts with this ruling.

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](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,



Debbie K. Lee  
Assistant Attorney General  
Open Records Division

DKL/som

Ref: ID# 506312

c: Requestor