



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 2, 2013

Ms. Jo Spurger  
Administrative Assistant  
Somervell County Sheriff's Office  
750 East Gibbs Boulevard  
Glen Rose, Texas 76043

OR2013-17189

Dear Ms. Spurger:

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# 501779.

The Somervell County Sheriff's Office (the "sheriff's office") received a request for the digital arrest log for the ninety days prior to the date of the request and available corresponding mug shots. The sheriff's office states it lacks the technology to allow the requestor access to its digital information without the purchase of software, which it is not required to do pursuant to section 552.228 of the Government Code.

Section 552.228 provides as follows:

- (a) It shall be a policy of a governmental body to provide a suitable copy of public information within a reasonable time after the date on which the copy is requested.
- (b) If public information exists in an electronic or magnetic medium, the requestor may request a copy in an electronic medium, such as on diskette or on magnetic tape. A governmental body shall provide a copy in the requested medium if:
  - (1) the governmental body has the technological ability to produce a copy of the requested information in the requested medium;
  - (2) the governmental body is not required to purchase any software or hardware to accommodate the request; and

(3) provision of a copy of the information in the requested medium will not violate the terms of any copyright agreement between the governmental body and a third party.

(c) If a governmental body is unable to comply with a request to produce a copy of information in a requested medium for any of the reasons described by this section, the governmental body shall provide a copy in another medium that is acceptable to the requestor. A governmental body is not required to copy information onto a diskette or other material provided by the requestor but may use its own supplies.

Gov't Code § 552.228. Thus, section 552.228 permits the requestor to seek access to and obtain information in an electronic medium, provided the information exists in that medium and provided the three conditions specified by subsection 552.228(b) are met. If the three conditions are not met, then the governmental body must provide a copy of the information on paper or in another medium that is acceptable to the requestor. *See id.* § 552.228(c). The sheriff's office explains its digital information has to be converted for viewing via a vendor's proprietary case management software, and any public access to the information would require the vendor's permission and the purchase of new software and hardware. Accordingly, the sheriff's office is unable to provide the information in the requested medium because the conditions in subsections (b)(1) through (b)(3) are not satisfied. Lastly, the sheriff's office explains it has informed the requestor a paper copy of the requested information is available.

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,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/som

Ref: ID# 501779

c: Requestor