



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 20, 2013

Mr. Todd Stephens  
Assistant City Attorney  
City Attorney's Office  
City of Odessa  
P.O. Box 4398  
Odessa, Texas 79760-4398

OR2013-22309

Dear Mr. Stephens:

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# 509707.

The Odessa Police Department (the "department") received a request for two specified police reports. You state you have released one of the reports. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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. Section 552.101 encompasses article 57.02 of the Code of Criminal Procedure. Article 57.02(d) provides a completed pseudonym form is confidential and may not be disclosed to any person other than a defendant in the case or the defendant's attorney, except by court order. Crim. Proc. Code art. 57.02. We note article 57.02 was intended to protect the privacy interests of sexual assault victims. *See* Senate Criminal Justice Comm., Bill Analysis, Tex. S.B. 1392, 70th Leg., R.S. (1987). In this instance, the requestor is the sexual assault victim listed in the information at issue. Therefore, the requestor has a special right of access to the completed pseudonym form pursuant to section 552.023 of the Government Code. *See* Gov't Code § 552.023(b) (governmental body may not deny access

to person or person's representative to whom information relates on grounds information is considered confidential under privacy principles). As such, the department may not withhold any portion of the submitted information under section 552.101 of the Government Code in conjunction with article 57.02(d) of the Code of Criminal Procedure. As no other exceptions to disclosure have been raised, the department must release the submitted information.<sup>1</sup>

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,



Paige Lay  
Assistant Attorney General  
Open Records Division

PL/bhf

Ref: ID# 509707

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)

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<sup>1</sup>Because the requestor has a right of access to certain information that otherwise would be excepted from release under the Act, the department must again seek a decision from this office if it receives a request for this information from a different requestor.