



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 15, 2014

Mr. Todd Stephens
Police Legal Advisor
Assistant City Attorney
City of Odessa
P.O. Box 4398
Odessa, Texas 79760-4398

OR2014-00906

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# 511029.

The Odessa Police Department (the "department") received a request for information related to case numbers 13-16159 and 13-16331. You state the department has released some responsive information to the requestor. 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 information protected by other statutes, such as article 57.02 of the Code of Criminal Procedure.¹ 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).

¹We understand you to raise article 57.02(d) of the Code of Criminal Procedure.

In this instance, the requestor is the complainant and has a special right of access to the completed pseudonym forms and submitted witness statements 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 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 you raise no other exception to disclosure, the submitted information must be released to this requestor.²

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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 511029

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²We note some of the information being released is confidential with respect to the general public. *See* Gov't Code § 552.023(a); Open Records Decision No. 481 at 4 (1987). Therefore, if the department receives another request for this information from a different requestor, the department must again seek a ruling from this office.