



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 29, 2014

Ms. Pavala Armstrong
Assistant City Attorney
Criminal Law and Police Section
City of Dallas
1400 South Lamar
Dallas, Texas 75215

OR2014-07126

Dear Ms. Armstrong:

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# 521083 (Dallas Police Department ORR# 2014-01164).

The Dallas Police Department (the "department") received a request for the department's standard operating procedure for the destruction of seized drugs, and any reports or forms used to document the destruction of drugs from January 1, 2008 to the date of the request. You claim the requested information is excepted from disclosure under section 552.116 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

Section 552.116 of the Government Code provides:

- (a) An audit working paper of an audit of the state auditor or the auditor of a state agency, an institution of higher education as defined by Section 61.003, Education Code, a county, a municipality, a school district,

¹We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

a hospital district, or a joint board operating under Section 22.074, Transportation Code, including any audit relating to the criminal history background check of a public school employee, is excepted from the requirements of Section 552.021. If information in an audit working paper is also maintained in another record, that other record is not excepted from the requirements of Section 552.021 by this section.

(b) In this section:

(1) "Audit" means an audit authorized or required by a statute of this state or the United States, the charter or an ordinance of a municipality, an order of the commissioners court of a county, the bylaws adopted by or other action of the governing board of a hospital district, a resolution or other action of a board of trustees of a school district, including an audit by the district relating to the criminal history background check of a public school employee, or a resolution or other action of a joint board described by Subsection (a) and includes an investigation.

(2) "Audit working paper" includes all information, documentary or otherwise, prepared or maintained in conducting an audit or preparing an audit report, including:

(A) intra-agency and interagency communications; and

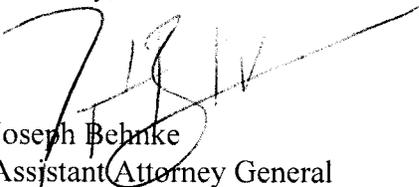
(B) drafts of the audit report or portions of those drafts.

Gov't Code § 552.116. You state the requested information consists of audit working papers of the Office of the City Auditor (the "auditor") as it relates to its audit of the department. You inform us the audit was conducted pursuant to chapter IX, section 3 of the Dallas City Charter, which authorizes the auditor to conduct financial, compliance, economy, and efficiency audits and investigations. However, the information at issue consists of the department's procedures for the destruction of seized drugs, and forms documenting the destruction of drugs, which were specifically requested by the requestor and are maintained by the department independently of the audit. The department may not engraft the exemption from public disclosure afforded to records under section 552.116 to records that exist independently of the audit working papers. *See id.* § 552.116(a). Accordingly, the department may not withhold the information at issue pursuant to section 552.116 of the Government Code. As you raise no further arguments against disclosure, the requested information must be released.

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,



Joseph Behnke
Assistant Attorney General
Open Records Division

JB/som

Ref: ID# 521083

Enc. Submitted documents

c: Requestor
(w/o enclosures)