



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 29, 2014

Ms. Evelyn W. Kimeu
Staff Attorney
Houston Police Department
1200 Travis
Houston, Texas 77002-6000

OR2014-19532

Dear Ms. Kimeu:

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# 541517 (ORU No. 14-5321)

The Houston Police Department (the "department") received a request for the costs associated with the security detail for two named mayors for out of state travel during specified time periods, including airfare, rental cars, meals, hotels, and other items purchased in the course of such travel. You claim the requested information is excepted from disclosure under sections 552.101, 552.108, and 552.152 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

We first note some of the submitted information does not appear to be responsive to the request. The requestor specifically seeks information regarding costs associated with the security detail for two named mayors for out of state travel during specified time periods.

¹We assume that 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.

Thus, to the extent the submitted information does not consist of those types of records, the submitted information is not responsive to the request. This decision does not address the public availability of any information that is not responsive to the request, and the department need not release such information in response to the request.

You seek to withhold the requested information in its entirety under section 552.152 of the Government Code. Section 552.152 provides:

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from the requirements of Section 552.021 if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm.

Gov't Code § 552.152. You state the department is responsible for staffing the mayor's protective detail. You explain the department does not publicly discuss security practices or the identities or numbers of officers assigned to the protective detail. You also assert releasing the submitted information, even in redacted form, would reveal the number of officers traveling with the mayor and subject the mayor to a substantial threat of physical harm. You further argue that revealing this information would reveal "the tactics employed by the protective detail when traveling with the [m]ayor," and, as a result, "would allow someone to detect patterns in these travel arrangements that could be used to inflict future harm." In *Tex. Dep't of Pub. Safety v. Cox Tex. Newspapers, LP. & Hearst Newspapers, LLC*, 343 S.W.3d 112, 119 (Tex. 2011), the supreme court, when considering whether the release of the travel vouchers of the Governor of Texas would lead to a substantial threat of harm, stated "deference must be afforded [Department of Public Safety ("DPS")] officers and other law enforcement experts regarding the probability of harm, although vague assertion of risk will not carry the day." Additionally, we note that, after the supreme court remanded the case in *Cox* back to the district court to determine what information is confidential under this standard, the district court granted DPS's motion for summary judgment, finding the travel vouchers were confidential in their entirety. See *Tex. Dep't of Pub. Safety v. Cox Tex. Newspapers, LP. & Hearst Newspapers, LLC*, 287 S.W.3d 390 (Tex. App.—Austin 2009), *pet. granted*, 343 S.W.3d 112 (Tex. 2011), *remanded to Cox Tex. Newspapers, LP. & Hearst Newspapers, LLC v. Tex. Dep't of Pub. Safety*, No. D-1-GN-07-004116 (261st Dist. Ct., Travis County, Tex. May 10, 2012). Likewise, when analyzing the probability of harm, we find this office must defer to the representations of the entity charged with protecting the mayor from physical harm. Therefore, based on the department's representations and our review, we conclude you have demonstrated release of the information at issue would subject the mayor to a substantial threat of physical harm. Therefore, the department must withhold the responsive information in its entirety under section 552.152 of the Government Code. As our ruling is dispositive, we need not address your remaining arguments.

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,

A handwritten signature in black ink that reads "Tamara H. Holland". The signature is written in a cursive style with a large initial "T".

Tamara H. Holland
Assistant Attorney General
Open Records Division

THH/bhf

Ref: ID# 541517

Enc. Submitted documents

c: Requestor
(w/o enclosures)