



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 11, 2016

Mr. Ryan S. Sullivan
Public Information Officer
Harris County Sheriff's Office
1200 Baker Street
Houston, Texas 77002

OR2016-03354

Dear Mr. Sullivan:

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# 595926 (HSCO File #15SO10006).

The Harris County Sheriff's Office (the "sheriff's office") received a request for all calls for service pertaining to a named deputy at a specified address during a specified time period. You claim the submitted information is excepted from disclosure under section 552.107(2) of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.107(2) of the Government Code provides that information is excepted from disclosure if "a court by order has prohibited disclosure of the information." Gov't Code § 552.107(2). You have submitted a copy of the Protective Order (the "order") signed by a judge on November 2, 2015, in the 208th District Court of Harris County, Texas, in the case styled, *State of Texas v. Miles*, Cause No. 1479933. The order provides, in pertinent part, "[t]he [sheriff's office] may not disclose to a third party any documents, evidence, materials, or witness statements in their possession unless (a) The [c]ourt orders the disclosure upon a showing of good cause after notice and hearing after considering the security and privacy interests of any victim or witness; or (b) The documents, evidence, materials, or witness statements have already been publically disclosed." We understand, in this instance, the above-listed exceptions do not apply. The sheriff's office has submitted a representation from the Harris County District Attorney's Office explaining the information at issue, which

is in the possession of the sheriff's office, relates to the prosecution at issue in the order.¹ Upon review, we agree a court by order has prohibited disclosure of the submitted information. Accordingly, the sheriff's office must withhold the submitted information under section 552.107(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,



Cole Hutchison
Assistant Attorney General
Open Records Division

CH/bhf

Ref: ID# 595926

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹We note we asked the sheriff's office to provide additional information pursuant to section 552.303 of the Government Code. See Gov't Code § 552.303(c)-(d) (if attorney general determines that information in addition to that required by section 552.301 is necessary to render decision, written notice of that fact shall be given to governmental body and requestor, and governmental body shall submit necessary additional information to attorney general not later than seventh calendar day after date of receipt of notice). We have received and considered the correspondence sent by the sheriff's office pursuant to that request.