



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 2, 2016

Ms. Molly Cost
Assistant General Counsel
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR2016-02505

Dear Ms. Cost:

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# 596528 (DPS PIR# 15-5708).

The Texas Department of Public Safety (the "department") received a request for information pertaining to wiretaps from the last two available years.¹ The department claims portions of the submitted information are excepted from disclosure under sections 552.101, 552.108, and 552.152 of the Government Code. We have considered the exceptions the department claims and reviewed the submitted information.

Section 552.152 of the Government Code provides,

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from [required public disclosure] 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.

¹The department states it sought and received clarification of the request. See Gov't Code § 552.222(b) (providing that if request for information is unclear, governmental body may ask requestor to clarify the request); see also *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

Gov't Code § 552.152. The department states the information it has marked pertains to employees assigned to the department's Criminal Investigations Division. The department asserts release of the information at issue could cause these individuals to be targeted by criminal organizations, creating a substantial risk of physical harm to these individuals and their families. The department further asserts the criminal targets of the wiretaps at issue are extremely dangerous and violent individuals and organizations, for whom it is not uncommon to intimidate witnesses linked to these high profile investigations. Based upon the department's representations and our review, we find section 552.152 is applicable to the information at issue. Accordingly, the department must withhold the information it has marked under section 552.152 of the Government Code.² As the department raises no further exceptions against disclosure, the remaining 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,



Rahat Huq
Assistant Attorney General
Open Records Division

RSH/som

Ref: ID# 596528

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²As our ruling is dispositive, we need not address the department's remaining arguments against disclosure.