



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 22, 2016

Ms. Ann-Marie Sheely
Assistant County Attorney
County of Travis
P.O. Box 1748
Austin, Texas 78767

OR2016-25935

Dear Ms. Sheely:

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# 636369.

The Travis County District Attorney's Office (the "district attorney's office") received two requests from different requestors for specified files related to a named officer of the Austin Police Department. The second requestor additionally seeks a similar file related to a second named individual.¹ You state the district attorney's office is releasing the information related to the second named individual to the second requestor. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We

¹This office originally assigned identification numbers 636369 and 636370 to these separate requests for a ruling. These requests have been combined and are being issued as one ruling with the identification number noted above.

have considered the exception you claim and reviewed the submitted representative sample of information.²

Section 552.108 of the Government Code provides in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure] if:

...

(4) it is information that:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

Gov't Code § 552.108(a)(4). A governmental body must explain how and why section 552.108 is applicable to the information at issue. *See id.* §§ 552.108, .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the submitted information consists of communications involving attorneys representing the district attorney's office and contains mental impressions and legal reasoning of prosecutors that were developed in anticipation of criminal litigation. Based on your representations and our review of the submitted information, we find the district attorney's office may withhold the submitted information under section 552.108(a)(4) of the Government Code.³

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.

²We 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 those records contain substantially different types of information than that submitted to this office.

³As our ruling is dispositive, we need not address your remaining argument against disclosure of the submitted information.

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 "Claire V. Morris Sloan". The signature is written in a cursive style with a long, sweeping underline.

Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/som

Ref: ID# 636369

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)