



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

December 20, 2016

Ms. Kristen Lee  
Assistant County Attorney  
County of Harris  
1019 Congress, 15<sup>th</sup> Floor  
Houston, Texas 77002

OR2016-28139

Dear Ms. Lee:

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# 639548(C.A. File No. 16PIA0582).

The Harris County Sheriff's Office (the "sheriff's office") received a request for a specified surveillance video captured during a specified time period. You claim the submitted information is excepted from disclosure under sections 552.103 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the requested information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2016-26962 (2016). In the previous ruling, we concluded the sheriff's office must release the submitted information to the requestor. The Act does not permit selective disclosure of information to the public. *See* Gov't Code §§ 552.007(b), .021; Open Records Decision No. 463 at 1-2 (1987). Information that has been released to a member of the public may not subsequently be withheld from another member of the public, unless public disclosure of the information is expressly prohibited by law or the information is confidential under law. *See* Gov't Code § 552.007(a); Open Records Decision Nos. 518 at 3 (1989), 490 at 2 (1988). You seek to withhold the submitted information, which we directed the sheriff's office to release in Open Records Letter No. 2016-26962, under sections 552.103 and 552.108 of the Government Code. Sections 552.103 and 552.108 are discretionary exceptions to disclosure that protect

a governmental body's interests and may be waived. See *Dallas Area Rapid Transit v. Dallas Morning News*, 4 S.W.3d 469, 475-76 (Tex. App.—Dallas 1999, no pet.) (governmental body may waive section 552.103); Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally), 663 at 5 (1999) (waiver of discretionary exceptions), 177 (1977) (statutory predecessor to Gov't Code § 552.108 subject to waiver). As such, sections 552.103 and 552.108 neither prohibit public disclosure of information nor make information confidential under law. Thus, the sheriff's office may not now withhold the submitted information under either section 552.103 or section 552.108. Accordingly, the sheriff's office must rely on Open Records Letter No. 2016-26962 as a previous determination and release the submitted information in accordance with that ruling.

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](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 Behrke  
Assistant Attorney General  
Open Records Division

JB/som

Ref: ID# 639548

Enc. Submitted documents

c: Requestor  
(w/o enclosures)