



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 18, 2017

Mr. William T. Little
Assistant County and District Attorney
Ellis County
109 South Jackson
Waxahachie, Texas 75165

OR2017-16041

Dear Mr. Little:

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# 666852.

The Ellis County Sheriff's Office (the "sheriff's office") received a request for all service calls pertaining to two named individuals' addresses for a specified time period. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

Section 552.108(b) of the Government Code excepts from disclosure "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution . . . if: . . . (2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication[.]" Gov't Code § 552.108(b)(2). A governmental body claiming section 552.108(b)(2) must demonstrate the information at issue relates to a concluded criminal case that did not result in a conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested). You state "it cannot be determined with the

¹Although you cite section 552.101 of the Government Code, we understand you to raise section 552.108(b)(2) of the Government Code based on your arguments and markings.

information currently on hand whether [relevant] charges resulted in a conviction or deferred adjudication.” We note subsection 552.108(b)(2) is applicable only if the information at issue is related to a concluded criminal case “that *did not* result in conviction or deferred adjudication[.]” *See id.* § 552.108(a)(2), (b)(2) (emphasis added). Thus, we find you have failed to demonstrate the applicability of subsection 552.108(b)(2) to the submitted information and the sheriff’s office may not withhold the information on this basis. The sheriff’s office must release the submitted information.

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,



Ramsey A. Abarca
Assistant Attorney General
Open Records Division

RAA/bw

Ref: ID# 666852

Enc. Submitted documents

c: Requestor
(w/o enclosures)