



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 1, 2017

Mr. Thomas M. Gilliland
Public Information Officer
Harris County Sheriff's Office
1200 Baker Street, 2nd Floor
Houston, Texas 77002-1206

OR2017-17199

Dear Mr. Gilliland:

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# 670740.

The Harris County Sheriff's Office (the "sheriff's office") received a request for head shots of four named deputies. The sheriff's office claims the requested information is excepted from disclosure under section 552.119 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

Section 552.119 of the Government Code provides the following:

(a) A photograph that depicts a peace officer as defined by Article 2.12, Code of Criminal Procedure, the release of which would endanger the life or physical safety of the officer, is excepted from [required public disclosure] unless:

- (1) the officer is under indictment or charged with an offense by information;
- (2) the officer is a party in a civil service hearing or a case in arbitration; or
- (3) the photograph is introduced as evidence in a judicial proceeding.


(b) A photograph excepted from disclosure under Subsection (a) may be made public only if the peace officer gives written consent to the disclosure.

Gov't Code § 552.119. Under section 552.119, a governmental body must demonstrate, if the documents do not demonstrate on their face, that release of the photograph would endanger the life or physical safety of a peace officer. The sheriff's office asserts the submitted photographs of the named deputies are confidential under section 552.119 because their release may "afford anyone in the general public the ability to study or utilize [the deputy]'s photographs in an effort to take retaliatory actions against an officer(s) or their respective family members." The sheriff's office also asserts the information is excepted from release on that ground because "at any time an officer may be called upon to operate in an undercover capacity" and release of the photographs would "undoubtedly compromise their lives or physical safety[.]" However, we find the sheriff's office has not demonstrated, and it is not apparent from our review of the submitted information, that release of the photographs at issue would endanger the life or physical safety of the peace officers depicted. Therefore, the sheriff's office may not withhold the photographs of the deputies pursuant to section 552.119 of the Government Code. Accordingly, 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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/bw

Ref: ID# 670740

Enc. Submitted documents

c: Requestor
(w/o enclosures)