



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 14, 2017

Mr. John P. Beauchamp
General Counsel
Texas Commission on Law Enforcement
6330 East Highway 290, Suite 200
Austin, Texas 78723-1035

OR2017-28410

Dear Mr. Beauchamp:

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 originally received by the Open Records Division ("ORD") of this office and assigned ID# 688231. Preparation of the ruling has been assigned to the Opinion Committee of this office.

You inform us the Texas Commission on Law Enforcement ("Commission") received a request for specified information relating to a criminal investigation conducted by the Commission. You claim that the submitted information is excepted from disclosure under sections 552.103 and 552.108 of the Government Code, as well as Rule 508 of the Texas Rules of Evidence. We have considered the exceptions you claim and reviewed the representative sample of information you submitted.¹

You inform us that the documents at issue contain information relating to litigation and provide us with a copy of the lawsuit. *See Tex. Comm'n on Law Enf't v. Paxton*, No. D-1-GN-17-000743 (200th Dist. Ct., Travis Cty., Tex. Feb. 23, 2017). The lawsuit concerns a

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See Tex. Att'y Gen. ORD-499 (1988) at 6, ORD-497 (1988) at 4*. This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

previous request for the same information at issue, in response to which this office issued Open Records Letter No. 2017-02729 (2017). In Open Records Letter No. 2017-02729, we determined that the Commission must release most of the submitted information. In response to Open Records Letter No. 2017-02729, the Commission filed the referenced lawsuit against our office challenging the ruling, which is pending.

Accordingly, we will allow the trial court to resolve the issue of whether the information that is the subject of the pending litigation must be released to the public.²

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,



Becky P. Casares
Assistant Attorney General
Opinion Committee

BPC/eb

Ref: ID# 688231

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²Given this determination, we need not address your arguments against disclosure of the submitted information.