



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 20, 2017

Ms. T. Trisha Dang
Assistant City Attorney
City of Sugar Land
P.O. Box 110
Sugar Land, Texas 77487-0110

OR2017-28909

Dear Ms. Dang:

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# 690716 (ORR# W003007).

The City of Sugar Land (the "city") received a request for information pertaining to a specified incident. The city states it has released some of the requested information, but claims the submitted information is excepted from disclosure under section 552.1085 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

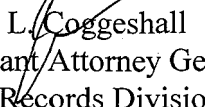
Section 552.1085(c) of the Government Code provides, in part, "[a] sensitive crime scene image in the custody of a governmental body is confidential and excepted from the requirements of Section 552.021 and a governmental body may not permit a person to view or copy the image except as provided by this section." Gov't Code § 552.1085(c). For purposes of section 552.1085, "sensitive crime scene image" means "a photograph or video recording taken at a crime scene, contained in or part of a closed criminal case, that depicts a deceased person in a state of dismemberment, decapitation, or similar mutilation or that depicts the deceased person's genitalia." *See id.* § 552.1085(a)(6). We note the submitted photographs were not taken at a crime scene. *See id.* Therefore, section 552.1085(c) is not

applicable to the submitted photographs, and the city may not withhold them on that ground. Accordingly, the city must release the submitted information.¹

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/tdw

Ref: ID# 690716

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹We note the requestor represents the family of the deceased individual at issue. *See Nat'l Archives & Records Admin. v. Favish*, 124 S. Ct. 1570 (2004) (surviving family members have right to personal privacy with respect to their close relative's death-scene images and such privacy interests outweigh public interest in disclosure).