



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

February 27, 2019

Mr. Juan A. Roque  
Assistant District Attorney  
Bexar County  
101 West Nueva Street  
San Antonio, Texas 78205

OR2019-05460

Dear Mr. Roque:

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# 754330 (ORR# 19287).

The Bexar County Sheriff's Office (the "sheriff's office") received a request for a photograph of a named former sheriff's office employee. The sheriff's office claims the submitted information is excepted from disclosure under section 552.119 of the Government Code. We have considered the exception the sheriff's office claims and reviewed the submitted information.

The sheriff's office asserts the submitted photographs should be withheld from disclosure under section 552.119 of the Government Code. Section 552.119 provides as follows:

(a) A photograph that depicts a peace officer as defined by Article 2.12, Code of Criminal Procedure, or a security officer commissioned under Section 51.212, Education Code, 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 fire or police civil service hearing or a case in arbitration; or

(3) the photograph is introduced as evidence in a judicial proceeding.

(b) A photograph exempt from disclosure under Subsection (a) may be made public only if the peace officer or security 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, release of the photograph would endanger the life or physical safety of a peace officer. Upon review, we find the sheriff's office has failed to demonstrate release of the photograph would endanger the life or physical safety of a peace officer or security officer. Accordingly, the sheriff's office may not withhold the submitted photograph under section 552.119 of the Government Code. 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](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,



Kelly McWethy  
Assistant Attorney General  
Open Records Division

KSM/jxd

Ref: ID# 754330

Enc. Submitted documents

c: Requestor  
(w/o enclosures)