



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 24, 2019

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

OR2019-17136

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# 771746 (File# 19SO5001277).

The Harris County Sheriff's Office (the "sheriff's office") received a request for the photographs and audio recordings pertaining to a specified case. You state the sheriff's office will release some information. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Initially, we note the requestor only seeks photographs and audio recordings pertaining to the specified case. Accordingly, the remaining submitted information is not responsive to the instant request. The sheriff's office need not release non-responsive information in response to this request, and this ruling will not address that information.

Next, we address the requestor's assertion that the corporation did not comply with the procedural obligations of section 552.301 of the Government Code. Pursuant to section 552.301(b) of the Government Code, a governmental body must request a ruling from this office and state the exceptions that apply within ten-business-days after receiving the request for information. *See id.* § 552.301(b). The sheriff's office previously released information

in response to an earlier request for information by this requestor. On April 1, 2019, the sheriff's office received an additional request by the requestor for related information. Therefore, for purposes of section 552.301, the sheriff's office's ten-business-day deadline was April 15, 2019. The envelope in which the sheriff's office sent its request for a ruling is post-marked April 12, 2019. *See id.* § 552.308 (describing rules for calculating submission dates of documents sent via first class United States mail, common or contract carrier, or interagency mail). Thus, we conclude the sheriff's office's correspondence to this office was timely mailed. Accordingly, we find the sheriff's office complied with the procedural requirements mandated by section 552.301 of the Government Code with respect to the request at issue.

Section 552.108(a)(2) of the Government Code excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]” *Id.* § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal investigation that has concluded in a final result other than 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 the responsive information pertains to a criminal investigation that did not result in a conviction or deferred adjudication. Based on your representations, we find the sheriff's office may withhold the responsive information under section 552.108(a)(2) of the Government Code.

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,



Britni Ramirez  
Assistant Attorney General  
Open Records Division

BR/sb

Ref: ID# 771746

Enc. Submitted documents

c: Requestor  
(w/o enclosures)