



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 5, 2019

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

OR2019-24818

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# 784046 (DA File No. 7604, BCSO 20210; S000605).

The Bexar County Sheriff's Office (the "sheriff's office") received a request for the service photo of a named deputy. You claim the submitted information is excepted from disclosure under sections 552.119 and 552.139 of the Government Code. We have considered the exceptions you claim 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. Upon review, 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 photograph at issue would endanger the life or physical safety of the peace officer depicted. Therefore, the sheriff's office may not withhold the submitted information under section 552.119 of the Government Code.

Section 552.139(b)(3) of the Government Code provides, "a photocopy or other copy of an identification badge issued to an official or employee of a governmental body" is confidential. *Id.* § 552.139(b)(3). Upon review, we find the sheriff's office has failed to establish the applicability of section 552.139(b)(3) of the Government Code to the submitted information and, thus, may not withhold it on that ground. Consequently, 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Meagan Conway
Assistant Attorney General
Open Records Division

MC/mo

Ref: ID# 784046

Enc. Submitted documents

c: Requestor
(w/o enclosures)