



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 24, 2019

Mr. William Broocks
Counsel for the City of Buda
Russell, Rodriguez, Hyde, Bullock LLP
1633 Williams Drive, Building 2, Suite 200
Georgetown, Texas 78628

OR2019-26708

Dear Mr. Broocks:

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# 787627 (City ID No. BU-2019-037).

The City of Buda (the "city"), which you represent, received a request for information pertaining to a specified traffic accident involving the requestor's client.¹ The city states it has released some information to the requestor. The city claims the submitted information is excepted from disclosure under section 552.101, 552.108, 552.130, and 552.136 of the Government Code. We have considered the city's claimed exceptions and reviewed the submitted information.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate 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 submitted information concerns a concluded investigation by the police department which did not result in a conviction or deferred adjudication. Based on this representation, we

¹ We note the city received clarification of the information requested. See Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request).

agree section 552.108(a)(2) is applicable to the submitted information. The city may withhold the submitted information under section 552.108(a)(2) of the Government Code.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 <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,



Sean McCormick
Attorney
Open Records Division

SMC/eb

Ref: ID# 787627.

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)

² As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information.