



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 9, 2019

Ms. Lisa K. Hargrove
General Counsel
Houston First Corporation
Partnership Tower
701 Avenida de las Americas
Houston, TX 77010

OR2019-28297

Dear Ms. Hargrove:

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# 791138.

Houston First Corporation (the "corporation") received a request for information pertaining to a specified investigation. The corporation claims the submitted information is excepted from disclosure under section 552.108 of the Government Code. In correspondence to this office, the Houston Police Department (the "department") also objects to the release of the requested information. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have considered the submitted arguments and reviewed the submitted information.

Initially, we note the department has submitted to this office information it asserts is excepted from release. However, the corporation did not submit this information for our review. This ruling does not address information beyond what the corporation has submitted to us for review. *See* Gov't Code § 552.301(e)(1)(D) (governmental body requesting decision from attorney general must submit copy of specific information requested). Accordingly, this ruling is limited to the information the corporation submitted as responsive to the request for information. *See id.*

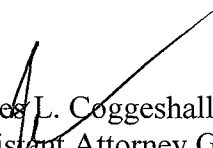
Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the information at issue relates to a criminal investigation

that has concluded in a final result other than conviction or deferred adjudication. *See id.* §§ 552.108(a)(2), .301(e)(1)(A). Section 552.108 may be invoked by the proper custodian of information relating to an investigation or prosecution of criminal conduct. Open Records Decision No. 474 at 4-5 (1987). Where a non-law enforcement agency possesses information relating to a pending case of a law enforcement agency, the non-law enforcement agency may withhold the information under section 552.108(a)(2) if it provides this office with a demonstration the information relates to the law enforcement agency's case and a representation from the law enforcement agency that it wishes to have the information be withheld. The department indicates it objects to the release of the submitted information because the information relates to a concluded criminal investigation the department conducted that did not result in conviction or deferred adjudication. Based on these representations, we agree section 552.108(a)(2) is applicable to the submitted information. Thus, the corporation may withhold the submitted information under section 552.108(a)(2) of the Government Code on behalf of the department.

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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/mo

Ref: ID# 791138

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
w/o (enclosures)