



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

November 1, 2019

Ms. Rachel E. Rolf  
General Counsel  
Trinity University  
One Trinity Place  
San Antonio, Texas 78212-7200

OR2019-30941

Dear Ms. Rolf:

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# 793665.

The Trinity University Police Department (the "department") received a request for information pertaining to a specified police report. You state you will redact motor vehicle record information pursuant to section 552.130(c) of the Government Code and dates of birth pursuant to Open Records Letter No. 2019-12846 (2019).<sup>1</sup> You claim portions of the submitted information are not subject to the Act. Additionally, you claim some of the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered your arguments and reviewed the submitted information.

Section 51.212(f) of the Education Code reads as follows:

(f) A campus police department of a private institution of higher education is a law enforcement agency and a governmental body for purposes of [the

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<sup>1</sup> Section 552.130(c) of the Government Code allows a governmental body to redact the information described in section 552.130(a) without the necessity of seeking a decision from the attorney general. Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e). Open Records Letter No. 2019-12846 authorizes the department to withhold certain public citizens' dates of birth under section 552.101 of the Government Code in conjunction with common-law privacy without requesting a ruling from this office.

Act], only with respect to information relating solely to law enforcement activities.

Educ. Code § 51.212(f). You state the department is a campus police department of a private institution of higher education. *See id.* § 51.212(e), 61.003. Thus, the department is a governmental body for purposes of the Act, and information maintained by the department is subject to disclosure under the Act, to the extent such information relates solely to law enforcement activities. However, you argue Exhibits C and D do not relate “solely to law enforcement activities.” Rather, you argue the information at issue consists of administrative information. You explain the information at issue relates to actions the department took on behalf of university administration, and not solely for law enforcement purposes. Upon review, we agree Exhibit D is administrative in nature and does not relate solely to law enforcement activities. *See id.* § 51.212(f). Accordingly, we find Exhibit D is not subject to disclosure pursuant to section 51.212(f) of the Education Code, and it need not be released to the requestor. Nevertheless, we find Exhibit C relates solely to law enforcement activities for purposes of section 51.212(f) of the Education Code and is subject to the Act. Accordingly, the department must release Exhibit C unless it falls within an exception to public disclosure under the Act. *See Gov’t Code* §§ 552.006, .021, .301, .302. Consequently, we will consider the department’s arguments against disclosure of the remaining information.

Section 552.108(a)(1) 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 . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]” *Id.* § 552.108(a)(1). A governmental body claiming section 552.108(a)(1) must explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the information you marked relates to a pending criminal prosecution. We note the information at issue includes criminal trespass warning documents. Because these documents were provided to the suspect, we find that their release will not interfere with the detection, investigation, or prosecution of crime. *See Gov’t Code* § 552.108(a)(1). Accordingly, the criminal trespass documents, which we have marked, may not be withheld under section 552.108(a)(1). However, based upon your representations, we conclude the release of the remaining information at issue would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court delineates law enforcement interests that are present in active cases), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, section 552.108(a)(1) is applicable to the remaining information at issue.

However, as you acknowledge, section 552.108 does not except from disclosure “basic information about an arrested person, an arrest, or a crime.” *Gov’t Code* § 552.108(c). Section 552.108(c) refers to the basic information held to be public in *Houston Chronicle*. *See* 531 S.W.2d at 186-88; *see also* Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). We note basic information includes, among other items, the identity and description of the complainant. *See* ORD 127.

However, basic information does not include the identities of any witnesses or victims who are not complainants. *See id.* Accordingly, with the exception of basic information and the criminal trespass warning documents, the department may withhold the remaining information you marked under section 552.108(a)(1) of the Government Code.<sup>2</sup>

In summary, Exhibit D is not subject to disclosure pursuant to section 51.212(f) of the Education Code, and it need not be released to the requestor. With the exception of basic information and the criminal trespass warning documents, which must be released, the department may withhold the remaining information you marked under section 552.108(a)(1) of the Government Code. The department must release the remaining 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,



Erin Groff  
Assistant Attorney General  
Open Records Division

EMG/jxd

Ref: ID# 793665

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>2</sup> As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.