



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 11, 2019

Ms. Jordan M. Powell
Assistant General Counsel
Hays County Historic Courthouse
111 Est San Antonio Street, Suite 202
San Marcos, Texas 78666

OR2019-34929

Dear Ms. Powell:

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# 804171.

The Hays County Office of General Counsel (the "county") received a request for two specified documents involving two named individuals. 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 submitted by the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit written comments regarding why information should or should not be released).

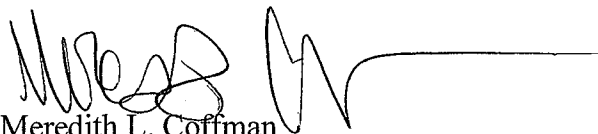
Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that did not result in conviction or deferred adjudication. *Id.* § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A); Open Records Decision No. 434 (1986). Where a governmental body has custody of information relating to a case of a law enforcement agency, the custodian of the records may withhold the information if it provides this office with a demonstration that the information relates to the case and a representation from the law enforcement agency that it wishes to have the information withheld. You state, and provide an affidavit from the Hays County Criminal District Attorney's Office (the "district attorney's office") stating, the submitted information pertains to a criminal investigation that did not result in conviction or deferred

adjudication. Based on this representation, we agree section 552.108(a)(2) is applicable to the submitted information. Accordingly, the county may withhold the submitted information under section 552.108(a)(2) of the Government Code on behalf of district attorney's office.

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,

A handwritten signature in black ink, appearing to read 'Meredith L. Coffman', with a long horizontal line extending to the right.

Meredith L. Coffman
Assistant Attorney General
Open Records Division

MLC/rm

Ref: ID# 804171

Enc. Submitted documents

c: Requestor
(w/o enclosures)