



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 20, 2020

Ms. L. Carolyn Nivens
Counsel for the City of Seabrook
Ross, Banks, May, Cron & Calvin, P.C.
7700 San Felipe, Suite 550
Houston, Texas 77063

OR2020-05357

Dear Ms. Nivens:

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# 817247 (PIA 2019-98).

The City of Seabrook (the "city") received a request for information pertaining to a specified incident. You state the city will release some information. You state the city will redact information not belonging to the requestor pursuant to section 552.130(c) of the Government Code.² 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.

Section 552.108(a)(2) 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 . . . it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]"¹ Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred

²Section 552.130(c) of the Government Code allows a governmental body to redact the information described in subsection 552.130(a) without the necessity of seeking a decision from the attorney general. *See* 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).

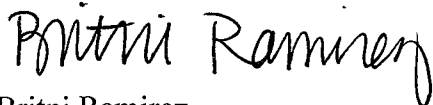
¹ Although you cite to section 552.108(b)(2) of the Government Code, we understand you to raise section 552.108(a)(2) of the Government Code based on your arguments.

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 information you have marked and indicated pertains to a criminal investigation that did not result in a conviction or deferred adjudication. Based on your representations, we find the city may withhold the information you have marked and indicated under section 552.108(a)(2) of the Government Code. The city must release the remaining information.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,



Britni Ramirez
Assistant Attorney General
Open Records Division

BR/jxd

Ref: ID# 817247

Enc. Submitted documents

c: Requestor
(w/o enclosures)

² We note the information being released contains the requestor's motor vehicle record information, to which the requestor has a right of access under section 552.023 of the Government Code. *See* Gov't Code § 552.023(a).