



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 30, 2020

Mr. S. Anthony Safi
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P.O. Box 1977
El Paso, Texas 79999-1977

OR2020-09607

Dear Mr. Safi:

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# 819446 (ORR# W002392).

The El Paso Independent School District (the "district"), which you represent, received a request for information pertaining to the requestor. The district states it has released some of the requested information, but claims some of the submitted information is excepted from disclosure under sections 552.108, 552.135, and 552.152 of the Government Code. We have considered the 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 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). The district states the information it has marked under section 552.108(a)(2) pertains to a case that concluded in a result other than conviction or deferred adjudication. Thus, the district may withhold the information it has marked under section 552.108(a)(2) of the Government Code.¹

¹ As our ruling is dispositive, we do not address the other argument of the district to withhold this information.

Section 552.152 of the Government Code provides the following:

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from the requirements of Section 552.021 if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm.

Gov't Code § 552.152. The district represents release of the information it has marked under section 552.152 would subject employees of the district to a substantial threat of physical harm. Upon review, we find the district has demonstrated release of some of the information at issue, which we have marked, would subject the employees to a substantial threat of physical harm. Therefore, the district must withhold the information we have marked under section 552.152 of the Government Code. However, the remaining information is not confidential under section 552.152, and the district may not withhold it on that ground.

In summary, the district may withhold the information it has marked under section 552.108(a)(2) of the Government Code. The district must withhold the information we have marked under section 552.152 of the Government Code. The district 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,

James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/jlbm

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Enc. Submitted documents

c: Requestor
(w/o enclosures)