



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 2, 2020

Ms. June B. Harden
Assistant Attorney General
Assistant Public Information Coordinator
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR2020-10153

Dear Ms. Harden:

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# 820532 (PIR# R003320).

The Office of the Attorney General (the "OAG") received a request for information pertaining to the requestor. The OAG states it will release most of the requested information with redactions allowed by law. The OAG claims the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the claimed exception and reviewed the submitted representative sample of information.¹

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. *See* Gov't Code § 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) (governmental body must provide comments explaining why exceptions raised should apply to information requested). Where a governmental body has custody of information relating to a case of a law enforcement agency, the custodian of the records may withhold

¹ We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

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. The OAG informs us the Travis County District Attorney's Office (the "district attorney's office") states the submitted information pertains to a criminal investigation it conducted that concluded in a result other than conviction or deferred adjudication and objects to the release of the submitted information under section 552.108(a)(2). Therefore, we agree section 552.108(a)(2) is applicable to this information. Thus, the OAG may withhold the submitted information under section 552.108(a)(2) of the Government Code on behalf of the 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,

Matthew Taylor
Assistant Attorney General
Open Records Division

MHT/eb

Ref: ID# 820532

Enc. Submitted documents

c: Requestor
(w/o enclosures)