



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 28, 2020

Mr. Tom Needham
Executive Assistant District Attorney
McLennan County
219 North Sixth Street, Suite 200
Waco, Texas 76701

OR2020-12013

Dear Mr. Needham:

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# 826496.

The McLennan County Criminal District Attorney's Office (the "district attorney's office") received a request for all records related to three specified investigations and prosecutions of three named individuals. The district attorney's office states it is withholding social security numbers pursuant to section 552.147(b) of the Government Code.¹ The district attorney's office states it is releasing some of the requested information. The district attorney's office claims the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception the district attorney's office claims and reviewed the submitted information.

Section 552.108 of the Government Code provides in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure] if:

...

(4) it is information that:

¹ Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office. See Gov't Code § 552.147(b).

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

Gov't Code § 552.108(a)(4). A governmental body must explain how and why section 552.108 is applicable to the information at issue. *See id.* §§ 552.108, .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). The district attorney's office asserts the submitted information consists of information prepared by an attorney representing the state in anticipation or in the course of preparing for criminal litigation in the subject criminal files, and reflects the mental impressions or legal reasoning of an attorney representing the state. Based on the district attorney's office's representations and our review, we agree subsection 552.108(a)(4) of the Government Code is applicable to the submitted information. Accordingly, the district attorney's office may withhold the submitted information under subsection 552.108(a)(4) of the Government Code.

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,

Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/gw

Ref: ID# 823696

Enc. Submitted documents

c: Requestor
(w/o enclosures)