



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 14, 2020

Ms. Justine Tan
Assistant Criminal District Attorney
Galveston County
600 59th Street, Suite 1001
Galveston, Texas 77551-4137

OR2020-20433

Dear Ms. Tan:

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# 845702.

The Galveston County Criminal District Attorney's Office (the "district attorney's office") received a request for a specified incident report. You state the district attorney's office will release some of the requested information. You claim some the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

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 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) (governmental body must provide comments explaining why exceptions raised should apply to information requested). The district attorney's office states the submitted information relates to a closed criminal investigation that did not result in conviction or deferred adjudication. Based on this representation and our review, we find the district attorney's office may withhold the information you indicated under section 552.108(a)(2).¹

¹ We note the requestor has a right of access to the information being released. *See* Fam. Code § 261.201(k); Gov't Code § 552.023(a); Open Records Decision No. 481 at 4 (1987). Thus, if 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,

Jesse Harvey
Assistant Attorney General
Open Records Division

JHI/jm

Ref: ID# 845702

Enc. Submitted documents

c: Requestor
(w/o enclosures)

receives another request for the same information from a different requestor, the district attorney's office must again seek a decision from this office.