



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

October 14, 2020

Ms. Amy Bass-Domel  
Open Records  
Williamson County Sheriff's Office  
508 South Rock Street  
Georgetown, Texas 78626

OR2020-25858

Dear Ms. Bass-Domel:

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# 848429.

The Williamson County Sheriff's Office (the "sheriff's office") received three requests for information related to the employment of two named individuals. You claim the submitted information is excepted from disclosure under section 552.117 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note you have only submitted video recordings pertaining to the employment of the named individuals. To the extent any other responsive information existed on the date the sheriff's office received the request, we assume the sheriff's office has released it. If the sheriff's office has not released any such information, it must do so at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

Next, you state some of the requested information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2020-06406 (2020). In that ruling, we determined the sheriff's office must withhold the submitted video recordings in their entireties under section 552.117 of the Government Code. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, the sheriff's office must continue to rely on Open Records Letter No. 2020-06406 as a previous determination and withhold the information at issue in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed,

first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

Section 552.117(a)(2) of the Government Code excepts from public disclosure the home address, home telephone number, emergency contact information, and social security number of a peace officer, as well as information that reveals whether the peace officer has family members, regardless of whether the peace officer complies with sections 552.024 and 552.1175 of the Government Code. *See* Gov't Code § 552.117(a)(2). Section 552.117(a)(2) applies to peace officers as defined by article 2.12 of the Code of Criminal Procedure. Upon review, we find one of the video recordings at issue contains information subject to section 552.117 of the Government Code. The audio portion of the recordings is intertwined with the video portion of the recordings. You state the sheriff's office lacks the technological capability to redact the confidential information from the submitted video recordings. Thus, the sheriff's office must withhold the video recording we indicated in its entirety under section 552.117 of the Government Code. Upon review, however, we find the remaining information at issue does not consist of the home address, telephone number, emergency contact information, social security number, or family member information of a current or former employee of the sheriff's office, and the sheriff's office may not withhold the remaining information under section 552.117(a)(1).

In summary, the sheriff's office must continue to rely on Open Records Letter No. 2020-06406 as a previous determination and withhold the requested information in accordance with that ruling. The sheriff's office must withhold the video recording we indicated in its entirety under section 552.117 of the Government Code. The sheriff's office 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,

Sean McCormick  
Assistant Attorney General  
Open Records Division

SMC/jm

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Enc. Submitted documents

c: Requestor  
(w/o enclosures)