



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

October 19, 2020

Ms. Amy L. Sims  
Deputy City Attorney  
City of Lubbock  
P.O. Box 2000  
Lubbock, Texas 79457

OR2020-26241

Dear Ms. Sims:

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# 849065 (Our File No. 2858).

The City of Lubbock (the "city") received a request for a video recording pertaining to a specified incident. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information.

Initially, we note the requestor seeks only the video recording pertaining to a specified incident. You have submitted a CR-3 accident report that is beyond this specific type of information. Thus, the submitted CR-3 accident report is not responsive to the present request. This ruling does not address the public availability of any information that is not responsive to the request and the city is not required to release that information in response to the request.

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)

---

<sup>1</sup> Although you raised section 552.101, you make no arguments in support of this assertions, nor have you marked any information as being excepted under this section. Therefore, we assume you have withdrawn this exception. *See* Gov't Code §§ 552.301, .302.

(governmental body must provide comments explaining why exceptions raised should apply to information requested). The city states the submitted responsive video recording relates to a closed criminal investigation that did not result in conviction or deferred adjudication. Based on this representation and our review, we agree section 552.108(a)(2) is applicable to the submitted responsive video recording. Accordingly, we find the city may withhold the submitted responsive video recording under section 552.108(a)(2) 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,

Pearlie Gault  
Attorney  
Open Records Division

PG/jxd

Ref: ID# 849065

Enc. Submitted documents

c: Requestor  
(w/o enclosures)