



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 13, 2022

Mr. Eric Gutierrez
Assistant City Attorney
City of El Paso
P. O. Box 1890
El Paso, Texas 79950-1890

OR2022-01193

Dear Mr. Gutierrez:

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# 925148 (City's Ref. No. 21-1026-11812).

The El Paso Police Department (the "department") received a request for certain agreements between the department and named law enforcement entities. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

552.108 of the Government Code provides the following:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from the requirements of Section 552.021 if:

(1) release of the internal record or notation would interfere with law enforcement or prosecution[.]

Gov't Code § 552.108(a)(1)-(b)(1). Section 552.108(a)(1) protects information if its release would interfere with a particular pending criminal investigation or prosecution. *See id.* § 552.108(a)(1). Section 552.108(b)(1) protects internal law enforcement and prosecutorial records, the release of which would interfere with law enforcement and prosecutorial efforts in general. *See City of Fort Worth v. Cornyn*, 86 S.W.3d 320 (Tex. App.—Austin 2002, no pet.).

You state the submitted information, if released, would interfere with law enforcement or prosecution of crime. However, upon review, we find you have failed to demonstrate how release of the submitted information would interfere with the detection, investigation, or prosecution of crime for purposes of section 552.108(a)(1). Further, you have failed to demonstrate release of the submitted information would interfere with law enforcement or prosecution. Thus, you have failed to demonstrate the applicability of subsection 552.108(b)(1). Therefore, the department may not withhold any of the submitted information under section 552.108(a)(1) or section 552.108(b)(1). As you raise no other exceptions to disclosure, the submitted information must be released.

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,

Joseph Hoggatt
Assistant Attorney General
Open Records Division

JWH/mo

Ref: ID# 925148

Enc. Submitted documents

c: Requestor
(w/o enclosures)