



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

February 15, 2022

Ms. Ethel Allen Steele  
Counsel for the Tarrant Regional Water District  
Pope, Hardwicke, Christie, Schell, Kelly & Taplett, L.L.P.  
500 West 7th Street, Suite 600  
Fort Worth, Texas 76102

OR2022-04455

Dear Ms. Steele:

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# 929348 [PIR 21.190].

The Tarrant Regional Water District (the "district"), which you represent, received a request for records and correspondence between the district and a specified fusion center as well as information pertaining to the requestor. We understand some information will be released. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. You also state you notified the City of Fort Worth (the "city") of the request for information and of its right to submit arguments to this office as to why the submitted information should not be released. *See Gov't Code* § 552.304 (interested party may submit comments stating why information should or should not be released). We have received comments from the city. We have considered the submitted arguments and reviewed the submitted information.

Section 552.108(b)(1) of the Government Code excepts from disclosure the internal records and notations of law enforcement agencies and prosecutors when their release would interfere with law enforcement and crime prevention. *Id.* § 552.108(b)(1); *see also* Open Records Decision No. 531 at 2 (1989) (quoting *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977)). A governmental body claiming section 552.108(b)(1) must explain how and why the release of the requested information would interfere with law enforcement. *See Gov't Code* §§ 552.108(b)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706. Section 552.108(b)(1) is intended to protect "information which, if released, would permit private citizens to anticipate weaknesses in a police department, avoid detection, jeopardize

officer safety, and generally undermine police efforts to effectuate the laws of this State.” *See City of Fort Worth v. Cornyn*, 86 S.W.3d 320 at 327 (Tex. App.—Austin 2002, no pet.). This office has concluded section 552.108(b)(1) excepts from public disclosure information relating to the security or operation of a law enforcement agency. *See, e.g.*, Open Records Decision Nos. 531 (release of detailed use of force guidelines would unduly interfere with law enforcement), 252 (1980) (section 552.108 of the Government Code is designed to protect investigative techniques and procedures used in law enforcement), 143 (1976) (disclosure of specific operations or specialized equipment directly related to investigation or detection of crime may be excepted). Section 552.108(b)(1) is not applicable, however, to generally known policies and procedures. *See, e.g.*, ORDs 531 at 2-3 (Penal Code provisions, common law rules, and constitutional limitations on use of force not protected), 252 at 3 (governmental body failed to indicate why investigative procedures and techniques requested were any different from those commonly known).

The city states the submitted information, if released, would interfere with law enforcement or prosecution of crime. The city explains the information at issue includes bulletins and communications containing potential threats and intel from various sources that are distributed to partner agencies of the fusion center and the Fort Worth Intelligence Exchange. You argue release of the information at issue could give criminals a tactical advantage and jeopardize officers’ safety. Based on your representations and our review, we agree the release of the information at issue would interfere with law enforcement. Accordingly, the district may withhold the submitted information under section 552.108(b)(1) of the Government Code.<sup>1</sup>

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,

Paige Lay  
Assistant Attorney General  
Open Records Division

PL/be

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<sup>1</sup> As our ruling is dispositive, we need not address the remaining arguments against disclosure of this information.

Ref: ID# 929348

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

1 Third Party  
(w/o enclosures)