



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 23, 2022

Ms. Victoria Jimenez
Harris County Sheriff's Office
1200 Baker Street
Houston, Texas 77002

OR2022-05494

Dear Ms. Jimenez:

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# 934575 (ORR# 20SO40055).

The Harris County Sheriff's Office (the "sheriff's office") received a request for photographs of ten named sheriff's office employees. The sheriff's office claims the submitted information is excepted from disclosure under section 552.119 of the Government Code. We have considered the exception the sheriff's office claims and reviewed the submitted information.

Initially, we note the sheriff's office did not submit photographs of three of the named sheriff's office employees. To the extent any such 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).

Section 552.119 of the Government Code provides the following:

(a) A photograph that depicts a peace officer as defined by Article 2.12, Code of Criminal Procedure, the release of which would endanger the life or physical safety of the officer, is excepted from [required public disclosure] unless:

(1) the officer is under indictment or charged with an offense by information;

(2) the officer is a party in a civil service hearing or a case in arbitration; or

(3) the photograph is introduced as evidence in a judicial proceeding.

(b) A photograph excepted from disclosure under Subsection (a) may be made public only if the peace officer gives written consent to the disclosure.

Gov't Code § 552.119. Under section 552.119, a governmental body must demonstrate, if the documents do not demonstrate on their face, release of the photograph would endanger the life or physical safety of a peace officer. Upon review, we find the sheriff's office has not demonstrated, and it is not apparent from our review of the submitted information, release of the photographs at issue would endanger the life or physical safety of the peace officers depicted. Therefore, the sheriff's office may not withhold the submitted photographs pursuant to section 552.119 of the Government Code. Accordingly, the sheriff's office must release the submitted photographs.

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,

Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/mo

Ref: ID# 934575

Enc. Submitted documents

c: Requestor
(w/o enclosures)