



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 7, 2022

Mr. Matthew Entsminger  
Assistant County Attorney  
Travis County  
P.O. Box 1748  
Austin, Texas 78767

OR2022-10295

Dear Mr. Entsminger:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. This request was originally received by the Open Records Division (“ORD”) of this office and assigned ID# 944610. Preparation of the ruling has been assigned to the Opinion Committee.

You tell us that Travis County (“County”) received a request for information for emails sent or received by County employees and any news organization between a particular date range and containing specified keywords. You claim the submitted information is excepted from disclosure under sections 552.108 and 552.103 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative samples of information.<sup>1</sup>

Section 552.108(a)(1) of the Government Code excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]” TEX. GOV’T CODE § 552.108(a)(1). A governmental body claiming section 552.108(a)(1) must explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706, 710 (Tex. 1977) (recognizing that “the better policy reason is to deny access to the materials if it will unduly

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<sup>1</sup>We assume the “representative sample” of records submitted to this office is truly representative of the requested records as a whole. *See* Tex. Att’y Gen. ORD-499 (1988) at 6, ORD-497 (1988) at 4. This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than those submitted to this office.

interfere with law enforcement and crime prevention”). You state the information at issue relates to a pending investigation and release of the information would interfere with that investigation and with any potential prosecution concerning the matter. Based on your representation and our review, we conclude release of the information at issue would interfere with the detection, investigation, or prosecution of crime. *See Houston Chron. Publ’g Co. v. City of Houston*, 531 S.W.2d 177, 186–87 (Tex. App.—Houston [14th Dist.] 1975) (delineating law enforcement interests that are present in active cases), *writ ref’d n.r.e.*, 536 S.W.2d 559 (Tex. 1976) (per curiam). We thus conclude that section 552.108(a)(1) is applicable to the submitted information.

However, we note that section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. TEX. GOV’T CODE § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle*. *See* 531 S.W.2d at 186–88; Tex. Att’y Gen. ORD-127 (1976) (summarizing types of information considered to be basic information). Thus, to the extent the responsive documents contain any basic information, it must be released, but the County may otherwise withhold the submitted information under section 552.108(a)(1) of the Government Code.<sup>2</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,

Charlotte M. Harper  
Assistant Attorney General  
Opinion Committee

CMH/eb

Ref: ID# 944610

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>2</sup>As our ruling is dispositive, we need not address the County’s remaining argument against disclosure of its information.