



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 20, 2022

Mr. Lee I. Correa  
Counsel for Van Zandt County  
Flowers & Davis, P.L.L.C.  
1021 East Southeast Loop 323, Suite 200  
Tyler, Texas 75701

OR2022-17590

Dear Mr. Correa:

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# 952766 (ORR Nos. 9 and 11).

Van Zandt County (the “county”), which you represent, received two requests from different requestors for certain information pertaining to a specified incident involving named individuals. You claim the submitted information is excepted from disclosure under sections 552.101, 552.103, 552.108, 552.1175, 552.119, 552.130, and 552.152 of the Government Code.<sup>1</sup> We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the second request is broader than the first request because, in addition to booking photographs pertaining to the named individuals for the specified incident, the second requestor also seeks booking information pertaining to the named individuals for the specified incident. Thus, the county need not release information to the first requestor that is not responsive to his request.

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[.]” Gov’t Code § 552.108(a)(1). A governmental

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<sup>1</sup> Although you also raise section 552.117 of the Government Code, we note section 552.1175 of the Government Code is the proper exception to raise for information the county holds in a non-employment capacity.

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 (Tex. 1977). The county states the submitted information pertains to pending criminal prosecutions. Based upon this representation, we conclude the release of the information at issue would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court delineates law enforcement interests that are present in active cases), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, section 552.108(a)(1) is applicable to the submitted information.

However, we note section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. 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; Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). We note basic information includes, among other items, an arrestee's address, social security number, and age, but does not include dates of birth or motor vehicle record information encompassed by section 552.130 of the Government Code. *See* ORD 127 at 3-4. Thus, with the exception of basic information, which generally must be released to the second requestor, the county may withhold the submitted information under section 552.108(a)(1) of the Government Code.<sup>2</sup>

Section 552.1175 of the Government Code protects the home address, home telephone number, emergency contact information, date of birth, social security number, and family member information of certain individuals, when that information is held by a governmental body in a non-employment capacity and the individual elects to keep the information confidential. *See* Gov't Code § 552.1175. Section 552.1175 applies, in part, to "current or honorably retired peace officers as defined by Article 2.12, Code of Criminal Procedure[.]" *Id.* § 552.1175(a)(1); *see id.* § 552.003(1-b) (defining "honorably retired") for purposes of the Act). Some of the basic information, which we marked, relates to peace officers. You inform us the officers at issue, who are currently employed by the Van Zandt County Sheriff's Office, have elected to restrict access to their information in accordance with section 552.1175(b). Accordingly, the county must withhold the basic information we marked under section 552.1175 of the Government Code.

In summary, with the exception of basic information, which must be released to the second requestor, the county may withhold the submitted information under section 552.108(a)(1) of the Government Code. In releasing the basic information to the second requestor, the county must withhold the information we marked under section 552.1175 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.

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<sup>2</sup> As our ruling is dispositive, we need not address the remaining arguments against disclosure, except to note basic information held to be public in *Houston Chronicle* is generally not excepted from public disclosure under section 552.103 of the Government Code. Open Records Decision No. 597 (1991).

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,

Kimbell Kesling  
Assistant Attorney General  
Open Records Division

KK/mo

Ref: ID# 952766

Enc. Submitted documents

c: 2 Requestors  
(w/o enclosures)