



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 7, 2022

Ms. Coya L. Craig
Paralegal
City of Killeen
P.O. Box 7329
Killeen, Texas 76540

OR2022-30875

Dear Ms. Craig:

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# 976916 (ORR#).

The City of Killeen (the "city") received a request for records related to a specified address. The city states it is releasing some of the requested information. The city claims the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception the city claims and reviewed the submitted information.

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 body claiming section 552.108(a)(1) must reasonably 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). This section is generally not applicable to records created by an agency whose chief function is essentially regulatory in nature. *See Open Records Decision No. 199* (1978). However, section 552.108 can apply to records created by an agency whose primary function is to investigate crimes and enforce criminal laws. *See Open Records Decision Nos. 493* (1988), 287(1981).

The city states the submitted information pertains to a pending code enforcement investigation and criminal enforcement that is being conducted in the city's municipal court. However, the information at issue consists of a Notice to Comply. Because a copy of this information was provided to the entity that was responsible for the violations at issue, we find release of the information will not interfere with the detection, investigation, or

prosecution of crime. Thus, the city may not withhold the submitted information under section 552.108(a)(1). The city must release the submitted information.

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/eb

Ref: ID# 976916

Enc. Submitted documents

c: Requestor
(w/o enclosures)