



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 7, 2022

Ms. Pam Cinadr
Administrative Assistant
Hallettsville Police Department
104 East Fourth Street
Hallettsville, Texas 77964

OR2022-30878

Dear Ms. Cinadr:

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# 976753.

The Hallettsville Police Department (the "department") received a request for information pertaining to an accident that occurred on a specified date. You inform us the department will release some information with redactions made pursuant to subsection 552.130 of the Government Code.¹ You also inform us the CR-3 accident report is being released pursuant to section 550.065(c)(4) of the Transportation Code. You inform us the department does not have information responsive to the portion of the request seeking dash cam video recordings.² You claim the remaining submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note you inform us you are releasing information to the requestor with redactions made under section 552.136 of the Government Code. Section 552.136(b) of the Government Code provides, "[n]otwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or

¹Section 552.130(c) of the Government Code allows a governmental body to redact the information described in subsection 552.130(a) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e).

² The Public Information Act does not require a governmental body to disclose information that did not exist at the time the request was received. *Economic Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.--San Antonio 1978, writ dismissed); Open Records Decision No. 452 at 3 (1986).

maintained by or for a governmental body is confidential.” Gov’t Code § 552.136(b). Section 552.136 of the Government Code permits a governmental body to withhold the information described in section 552.136(b) without the necessity of seeking a decision from this office. *See id.* § 552.136(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.136(e). *See id.* § 552.136(d), (e). However, upon review of the information redacted from the documents you inform us are being released, we understand you have redacted a firearm serial number under section 552.136. Upon review, we find the department has not provided arguments establishing the serial number of the firearm it marked under section 552.136 consists of an access device number used to obtain money, goods, services, or any item of value, or used to initiate the transfer of funds. *See id.* §§ 552.136(a), .301(e)(1)(A) (governmental body must explain how claimed exception to disclosure applies). Therefore, the department may not withhold the firearm serial number at issue under section 552.136, and as you raise no other arguments against disclosure of this information, it must be released to the requestor.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that did not result in conviction or deferred adjudication. *See* Gov’t Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested). You state the remaining information at issue pertains to a concluded investigation that did not result in conviction or deferred adjudication. Thus, the department may withhold the remaining information under section 552.108(a)(2) 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.

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,

Michael Pearle
Assistant Attorney General
Open Records Division

MAP/eb

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Enc. Submitted documents

c: Requestor
(w/o enclosures)