



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

November 6, 1990

Mike Holder
Chief of Police
City of Robinson
111 W. Lyndale
Robinson, Texas 76706

OR90-533

Dear Chief Holder:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your most recent letter to our office was assigned ID# 9799.

A city council member of the city of Robinson asked you for a copy of your police policy manual. You first ask whether specific sections of the manual are excepted from disclosure to the public by section 3(a)(8) of the Open Records Act.

We have considered the exception you claimed and have reviewed the documents at issue. Previous determinations of this office, Open Records Decision Nos. 531 (1989) and 413 (1984), copies of which are enclosed, resolve your request. For this reason, you may withhold only those portions of the policy manual that we have marked as coming under the protection of section 3(a)(8); the remaining information must, however, be released.

You also ask whether an individual city council member has a right to make copies of the material excepted by section 3(a)(8) and release those copies to the public.

The members of the city council have rights of access to city records, including police department records, greater than those accorded members of public by the Open Records Act. See Attorney General Opinion JM-119 (1983). This office cannot determine whether an individual city councilman has a right to view and copy the records that are excepted from required public disclosure by section 3(a)(8). That is a question for the city council acting as a body. Similarly, it is for the city council to determine whether it wished to waive the protection of section 3(a)(8) for

these records and release them to the public. See generally Open Records Decision No. 177 (1977).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-533.

Yours very truly,



Susan Garrison
Assistant Attorney General
Opinion Committee

SG/RWP/le

Ref.: ID# 9799
ID# 9596

Enclosures: Open Records Decision Nos. 531, 413, 177;
Attorney General Opinion JM-119;
Marked Documents