



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 23, 1997

Mr. Jason C. Marshall
Nichols, Jackson, Dillard,
Hager and Smith, L.L.P.
1800 Lincoln Plaza
500 North Akard
Dallas, Texas 75201

OR97-1703

Dear Mr. Marshall:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 107794.

The City of Lancaster (the "city"), which you represent, received a request for the "operations manuals from [the city's police department] of activation of video cameras from [the city attorney]." You claim that the requested 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.¹

Section 552.108 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," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108. We agree that the submitted material pertains to "matters relating to law enforcement or prosecution." Section 552.108 provides that you may withhold the requested information from disclosure, although you may choose to release all or part of the information at issue that is not otherwise confidential by law. Gov't Code § 552.007.²

¹We note that on April 16, 1997, the same requestor requested from the city "complete Police Policy Book or Books." The city submitted documents responsive to that request to this office on April 25, 1997. We determined in OR97-1288 (1997) that the submitted documents were protected from public disclosure under section 552.108 of the Government Code. In response to the instant request, the city has submitted the identical documents that were the subject of OR97-1288, including the documents responsive to this request. Our ruling here is limited to the documents responsive to this request.

²We note, that if any of the submitted information has been publicly released, *e.g.*, in a press release, it cannot now be withheld under section 552.108. See Gov't Code § 552.107(b).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Vickie Prehoditch
Assistant Attorney General
Open Records Division

VDP/ glg

Ref.: ID# 107794

Enclosures: Submitted documents

cc: Mr. Tim Speaks
4141 Portwood
Lancaster, Texas 75134
(w/o enclosures)