



October 21, 1999

Mr. J. Greg Hudson
Bickerstaff, Heath, Smiley, Pollan, Kever & McDaniel
1700 Frost Bank Plaza
816 Congress Avenue
Austin, Texas 78701-2443

OR99-2972

Dear Mr. Hudson:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 129026.

Collin County (the "county"), which you represent, received written requests for the "bid specs" for a courthouse security system and a list of companies that submitted bids for that system. You have submitted to this office the responsive records and have highlighted the portions of those records that you contend are excepted from required public disclosure pursuant to the "law enforcement exception," section 552.108 of the Government Code. We note that you do not seek to withhold the names of the bidders.

When a governmental body claims section 552.108, the relevant question this office must address is whether the release of the requested information would undermine a legitimate interest relating to law enforcement or prosecution. Open Records Decision No. 434 (1986). One of the purposes of the exception is to protect law enforcement and crime prevention efforts by preventing suspects and criminals from using records in evading detection and capture. *See* Open Records Decision Nos. 133 (1976), 127 (1976).

We have reviewed the materials you submitted to this office and generally agree that the release of the information you have highlighted could pose a threat to the county's security measures. *Cf.* Open Records Decision Nos. 413 (1984) (sketch showing security measures which prison plans to use for its next scheduled execution may be withheld under law-enforcement exception), 143 (1976) (descriptions of specific electronic eavesdropping equipment, as well as descriptions of certain equipment designed for clandestine operations, protected by law-enforcement exception). We have placed green flags on several documents that contain highlighted information that may not be withheld from the public pursuant to section 552.108. The remaining information you have marked may be withheld.

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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "MJ Burns", with a stylized flourish at the end.

Michael J. Burns
Assistant Attorney General
Open Records Division

MJB/RWP/nc

Ref.: ID# 129026

cc: Mr. Bennett Cunningham
Investigative Reporter
Channel 11 News
1011 North Central Expressway
Dallas, Texas 75231
(w/o enclosures)