



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 8, 2009

Ms. Katie Lentz  
Williamson County Sheriff's Office  
508 South Rock Street  
Georgetown, Texas 78626

OR2009-01833A

Dear Ms. Lentz:

This office issued Open Records Letter No. 2009-01833 (2009) on February 11, 2009. We have examined this ruling and determined that an error was made. Where this office determines that an error was made in the decision process under sections 552.301 and 552.306, and that error resulted in an incorrect decision, we will correct the previously issued ruling. Consequently, this decision serves as the correct ruling and is a substitute for the decision issued on February 11, 2009. *See generally* Gov't Code § 552.011 (providing that Office of Attorney General may issue decision to maintain uniformity in application, operation, and interpretation of Public Information Act (the "Act")).

You ask whether certain information is subject to required public disclosure under the Act, chapter 552 of the Government Code. Your request was assigned ID# 334800.

The Williamson County Sheriff's Office (the "sheriff") received a request for a specific incident report. You claim that the submitted information is excepted from disclosure under sections 552.108, 552.117, and 552.1175 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning a criminal investigation that concluded in a result other than conviction or deferred adjudication. Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. You state that the submitted information pertains to a concluded criminal

investigation where no arrest was made and no criminal charges were pursued, therefore, the case concluded in a result other than conviction or deferred adjudication. Thus, based upon your representations and our review, we agree that section 552.108(a)(2) is applicable to the submitted information.

However, section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. App.–Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, with the exception of the basic front-page offense and arrest information, the sheriff may withhold the submitted information under section 552.108(a)(2) of the Government Code.

You state that portions of the basic information may be excepted from disclosure under section 552.1175 of the Government Code. Section 552.1175 provides in part as follows:

(a) This section applies only to:

...

(6) officers and employees of a community supervision and corrections department established under Chapter 76 [of the Government Code] who perform a duty described by section 76.004(b);

...

(b) Information that relates to the home address, home telephone number, or social security number of an individual to whom this section applies, or that reveals whether the individual has family members is confidential and may not be disclosed to the public under this chapter if the individual to whom the information relates:

(1) chooses to restrict public access to the information; and

(2) notifies the governmental body of the individual's choice on a form provided by the governmental body, accompanied by evidence of the individual's status.

Gov't Code § 552.1175(a)(1), (b). You state that some of the basic information pertains to employees of a community supervision and corrections department. You have submitted documentation showing that the employees at issue timely elected confidentiality under

section 552.024. Accordingly, the sheriff must withhold the personal information you have marked within the basic information under section 552.1175 of the Government Code.

In summary, with the exception of basic information, the sheriff may withhold the submitted information pursuant to section 552.108 of the Government Code. The sheriff must withhold the personal information you have marked within the basic information under section 552.1175 of the Government Code. The remaining basic information must be released.<sup>1</sup>

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 [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Christina Alvarado  
Assistant Attorney General  
Open Records Division

CA/cc

Ref: ID# 334800

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)

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<sup>1</sup>As our ruling is dispositive, we need not address your remaining argument against disclosure.