



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 20, 2009

Ms. Pamela Smith
Assistant General Counsel
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR2009-06882

Dear Ms. Smith:

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# 343763.

The Texas Department of Public Safety (the "department") received a request for "[a]ll complaints filed against any and all [department] personnel" from September 1, 2008 to the date of the request. You state that the department has released copies of complaints against non-commissioned personnel to the requestor. You claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information other statutes make confidential. Section 411.00755 of the Government Code states in pertinent part:

(b) Notwithstanding Chapter 552, the personnel records of a commissioned officer of the department may not be disclosed or otherwise made available to the public, except the department shall release:

(1) any letter, memorandum, or document relating to:

...

(B) misconduct by the officer, if the letter, memorandum, or document resulted in disciplinary action[.]

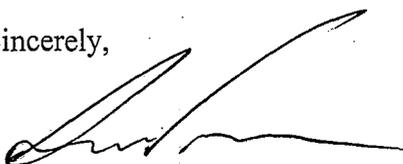
Gov't Code § 411.00755(b). Section 411.00755 defines a personnel record as "any letter memorandum, or document maintained by the department that relates to a commissioned officer of the department. . . ." *Id.* § 411.00755(a). For the purpose of section 411.00755, "disciplinary action" means discharge, suspension, or demotion. *Id.* § 411.0072(a)(1).

You inform us that the submitted information pertains to alleged misconduct of commissioned department officers. You assert that none of the officers named in the submitted complaints have been suspended, demoted, or discharged as a result of the complaints. Based on your representations, we agree that the department must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 411.00755 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 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,



Ana Carolina Vieira
Assistant Attorney General
Open Records Division

ACV/eeg

Ref: ID# 343763

Enc. Submitted documents

c: Requestor
(w/o enclosures)