



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 22, 2009

Ms. Teresa J. Brown
Senior Open Records Assistant
City of Plano Police Department
P.O. Box 860358
Plano, Texas 75086-0358

OR2009-07022

Dear Ms. Brown:

~~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# 344120.~~

~~The Plano Police Department (the "department") received a request for specified photographs of a named police officer. You claim that the submitted information is excepted from disclosure under section 552.119 of the Government Code. We have considered the exception you claim and reviewed the submitted information.~~

~~Section 552.119 of the Government Code provides as follows:~~

~~(a) A photograph that depicts a peace officer as defined by Article 2.12, Code of Criminal Procedure, or a security officer commissioned under Section 51.212, Education Code, the release of which would endanger the life or physical safety of the officer, is excepted from [required public disclosure] unless:~~

- ~~(1) the officer is under indictment or charged with an offense by information;~~
- ~~(2) the officer is a party in a fire or police civil service hearing or a case in arbitration; or~~
- ~~(3) the photograph is introduced as evidence in a judicial proceeding.~~

~~(b) A photograph exempt from disclosure under Subsection (a) may be made public only if the peace officer or security officer gives written consent to the disclosure.~~

Gov't Code § 552.119. You inform us that the officer depicted in the submitted photographs has received several threats from both suspects, which include the requestor, involved in an assault of the depicted officer. You contend that release of the officer's photographs could endanger her life or physical safety because the photographs may be used to identify the officer to carry out the threats. You do not indicate that any of the exceptions to the applicability of section 552.119 are present in this instance or that the officer has consented to the disclosure of her photographs. Based on your representations, we conclude that the department must withhold the submitted photographs under section 552.119 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,



Sarah Casterline
Assistant Attorney General
Open Records Division

SEC/jb

Ref: ID# 344120

Enc. Submitted documents

c: Requestor
(w/o enclosures)