



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

November 12, 2009

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

OR2009-16044

Dear Ms. Lentz:

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# 361195.

The Williamson County Sheriff's Office (the "sheriff") received a request for all information regarding a specified incident, as well as all performance evaluations and internal affairs investigative reports concerning the requestor. You claim that portions of the submitted information are excepted from disclosure under section 552.137 of the Government Code. You also provide documentation showing that you notified the San Antonio Police Department and the Bexar County Sheriff's Office of the request and of their right to submit arguments to this office as to why the requested information should not be released.¹ See Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have considered the exception you claim and reviewed the submitted information.

Initially, we note that portions of the submitted audio and video recordings do not pertain to the incident at issue or to the requestor. Thus, these portions of the recordings are not responsive to the present request. The sheriff need not release nonresponsive information in response to this request, and this ruling will not address that information.

Section 552.137 of the Government Code excepts from disclosure "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body" unless the member of the public consents to its release or the e-mail

¹As of the date of this decision, this office has not received correspondence from either of these parties.

address is of a type specifically excluded by subsection (c). *See id.* § 552.137(a), (b). We note that section 552.137 is not applicable to an e-mail address that a governmental entity maintains for one of its officials or employees. The e-mail addresses at issue are not of a type specifically excluded by section 552.137(c). *See id.* § 552.137(c). Therefore, the sheriff must withhold the e-mail addresses you have marked, as well as the e-mail addresses we have marked, under section 552.137 of the Government Code, unless the owners of the e-mail addresses consent to their release.

In summary, the sheriff need not release nonresponsive information in response to this request. The sheriff must withhold the e-mail addresses you have marked, as well as the e-mail addresses we have marked, under section 552.137 of the Government Code, unless the owners of the e-mail addresses consent to their release. The remaining responsive information must be released to the requestor.²

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, toll free, at (888) 672-6787.

Sincerely,



Christopher D. Sterner
Assistant Attorney General
Open Records Division

CDSA/eeg

²We note that the information to be released contains information that would be confidential with regard to the general public, but to which the requestor has a right of access under section 552.023 of the Government Code. Section 552.023(a) provides that "[a] person or a person's authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person's privacy interests." Gov't Code § 552.023(a). Should the sheriff receive another request for this information from someone other than the requestor or his authorized representative, the sheriff should again seek a decision from this office.

Ref: ID# 361195

Enc. Submitted documents

c: Requestor
(w/o enclosures)