



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 9, 2012

Mr. Tommy L. Coleman  
Assistant District Attorney  
Williamson County  
405 Martin Luther King # 1  
Georgetown, Texas 78626

OR2012-05027

Dear Mr. Coleman:

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# 450157.

The Williamson County District Attorney's Office (the "district attorney's office") received a request for information pertaining to building entry data stored regarding any electronic entry access device used by two named officials. You claim the requested information is excepted from disclosure under sections 552.136 and 552.152 of the Government Code.<sup>1</sup> We have considered the exceptions you claim and reviewed the submitted information. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Initially, we note you have not submitted any information pertaining to one of the named officials. Thus, to the extent any additional responsive information existed when the present request was received, we assume it has been released. If such information has not been released, then it must be released at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

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<sup>1</sup>We note that although you raise section 552.101 of the Government Code, you make no arguments to support this exception. Therefore, we assume you have withdrawn your claim this section applies to the submitted information.

Section 552.152 of the Government Code provides:

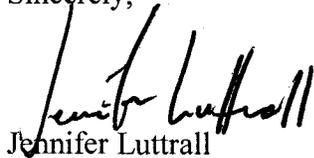
Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from the requirements of Section 552.021 if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm.

Gov't Code § 552.152. You explain the access device at issue allows its user to electronically enter Williamson County ("county") buildings, including the county Justice Center Annex. You state the submitted information consists of the dates, times, and locations of entry to county buildings by one of the named officials. You assert release of this information could be used to establish this named official's patterns of movement and points of entry. You explain the official at issue has been responsible for the criminal prosecutions of many individuals and some of these individuals may use the submitted information "in such a manner so as to threaten the safety and security" of the named official at issue. Based on your representations and our review, we agree disclosure of the submitted information would subject this named official to a substantial threat of physical harm. Accordingly, the district attorney's office must withhold the submitted information under section 552.152 of the Government Code.<sup>2</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, toll free, at (888) 672-6787.

Sincerely,



Jennifer Luttrall  
Assistant Attorney General  
Open Records Division

JL/som

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<sup>2</sup>As our ruling is dispositive, we do not consider your remaining argument against disclosure.

Ref: ID# 450157

Enc. Submitted documents

c: Requestor  
(w/o enclosures)