ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 14, 2013

Mr. Ronald J. Bounds
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR2013-04323

Dear Mr. Bounds:

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# 481275 (CCPD File No. Kwill).

The Corpus Christi Police Department (the "department") received a request for all information pertaining to a specified incident. You state the department will make some of the requested information available to the requestor with information redacted under section 552.130(c) of the Government Code, section 552.147 of the Government Code, and Open Records Decision No. 684 (2009).[1] You claim the submitted information is excepted

[1]Section 552.130(c) of the Government Code allows a governmental body to redact the information described in subsections 552.130(a)(1) and (a)(3) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e). Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office. *See id.* § 552.147(b). Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold certain categories of information without the necessity of requesting an attorney general decision.

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 made confidential by other statutes, such as section 143.090 of the Local Government Code. You state the City of Corpus Christi is a civil service city under chapter 143 of the Local Government Code. Section 143.090 provides as follows:

> A department, [the Fire Fighters' and Police Officers' Civil Service Commission], or municipality may not release a photograph that depicts a police officer unless:
>
> > (1) the officer has been charged with an offense by indictment or by information;
> >
> > (2) the officer is a party in a civil service hearing or a case before a hearing examiner or in arbitration;
> >
> > (3) the photograph is introduced as evidence in a judicial proceeding; or
> >
> > (4) the officer gives written consent to the release of the photograph.

Local Gov't Code § 143.090. You inform us that the submitted photographs depict department police officers. You state none of the police officers depicted in these photographs have provided the department with written consent regarding the release of the photographs. You also state none of the remaining exceptions under section 143.090 apply in this instance. Based on your representations and our review, we conclude the department must withhold the submitted photographs under section 552.101 of the Government Code in conjunction with section 143.090 of the Local 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, toll free at (888) 672-6787.

Sincerely,

Cynthia G. Tynan
Assistant Attorney General
Open Records Division

CGT/akg

Ref: ID# 481275

Enc. Submitted documents

c: Requestor
(w/o enclosures)