



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 11, 2013

Ms. Mandy Smithers
Senior Paralegal & Custodian of Records
Denton County Sheriff's Office
127 North Woodrow Lane
Denton, Texas 76205

OR2013-11840

Dear Ms. Smithers:

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# 492778.

The Denton County Sheriff's Office (the "sheriff's office") received a request for a specified survey conducted by the sheriff's office, including raw and summary data.¹ You claim the submitted information is subject to section 552.027 of the Government Code. We have considered your arguments and reviewed the submitted information.

You contend the sheriff's office is not required to provide the submitted information because it is commercially available. Section 552.027 of the Government Code provides as follows:

- (a) A governmental body is not required under this chapter to allow the inspection of or to provide a copy of information in a commercial book or

¹You state the sheriff's office received clarification of the request for information. See Gov't Code § 552.222(b) (stating if information requested is unclear to governmental body or if large amount of information has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used); *City of Dallas v. Abbott*, 304 S.W.3d 380 (Tex. 2010) (holding when governmental entity, acting in good faith, requests clarification of unclear or overbroad request for public information, ten-business-day period to request attorney general opinion is measured from date request is clarified or narrowed).

publication purchased or acquired by the governmental body for research purposes if the book or publication is commercially available to the public.

(b) Although information in a book or publication may be made available to the public as a resource material, such as a library book, a governmental body is not required to make a copy of the information in response to a request for public information.

(c) A governmental body shall allow the inspection of information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of a governmental body.

Gov't Code § 552.027. Section 552.027 is designed to alleviate the burden of providing copies of commercially available books, publications, and resource materials maintained by governmental bodies, such as telephone directories, dictionaries, encyclopedias, statutes, and periodicals. You state the submitted document was created by compiling background information from publicly available online sources and following-up on that information with telephone calls to other law enforcement agencies. Upon review, we find the sheriff's office has not demonstrated how the submitted document, created by the sheriff's office, consists of commercially available information that falls within the scope of section 552.027. Accordingly, we determine the submitted information is not subject to section 552.027. As you raise no other exceptions to disclosure, the submitted information must be released.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle R. Garza", with a long horizontal flourish extending to the right.

Michelle R. Garza
Assistant Attorney General
Open Records Division

MRG/som

Ref: ID# 492778

Enc. Submitted documents

c: Requestor
(w/o enclosures)