



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 12, 2014

Sgt. Rocky Bright
Custodian of Records
Ector County Sheriff's Office
P.O. Box 2066
Odessa, Texas 79760

OR2014-04148

Dear Sgt. Bright:

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# 516376.

The Ector County Sheriff's Office (the "sheriff's office") received a request for information pertaining to a specified incident, including any 9-1-1 recordings, dispatch transcripts, and any police vehicle videos. You state you do not have information responsive to a portion of the request.¹ You also state you have released some information to the requestor. You claim 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 the following:

(a) A photograph that depicts a peace officer as defined by Article 2.12, Code of Criminal Procedure, 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;

¹The Act does not require a governmental body to release information that did not exist when a request for information was received or to prepare new information in response to a request. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267-68 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 452 at 3 (1986), 362 at 2 (1983).

(2) the officer is a party in a civil service hearing or a case in arbitration; or

(3) the photograph is introduced as evidence in a judicial proceeding.

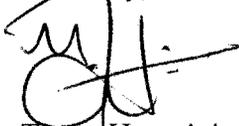
(b) A photograph excepted from disclosure under Subsection (a) may be made public only if the peace officer gives written consent to the disclosure.

Gov't Code § 552.119. You state the submitted video recording contains images of a police officer the sheriff's office may call on to work in an undercover capacity and, thus, release of the images may endanger the officer's life and physical safety. We understand the officer at issue has not consented to the disclosure of his images. Upon review, we agree the submitted video recording contains images of a police officer. In this instance, you state the sheriff's office lacks the technological capability to redact such information from this video. Thus, we find the sheriff's office must withhold the submitted video recording in its entirety 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.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,



Thana Hussaini
Assistant Attorney General
Open Records Division

TH/som

Ref: ID# 516376

Enc. Submitted documents

c: Requestor
(w/o enclosures)