



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 28, 2014

Mr. Kevin D. Cullen
Counsel for Aransas County
Cullen, Carsner, Seerden & Cullen, L.L.P.
P.O. Box 2938
Victoria, Texas 77902-2938

OR2014-19441

Dear Mr. Cullen:

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# 541369.

The Aransas County Sheriff's Office (the "sheriff's office"), which you represent, received a request for information pertaining to any detention or incarceration of two named individuals at the Aransas County Detention Center (the "detention center"); policies of the detention center related to sexual harassment, sexual assault, or civil rights of jail inmates; policies of the detention center relating to inmate grievances; complaints or inmate grievances filed by the two named individuals; the employment file of a named former employee; any indictments, criminal complaints, investigations, grievances, or other records relating to conduct of the named former employee; any video or audio recordings showing the named former employee and the two named individuals; and a blank copy of an inmate grievance form. You indicate you have released some information. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note you only submitted information responsive to the portion of the request seeking any indictments of the named former employee. To the extent any information responsive to the other portions of the request existed and was maintained by the sheriff's office on the date the sheriff's office received the request, we assume the sheriff's office has released it. If the sheriff's office has not released any such information, it must do so at this time. *See Gov't Code §§ 552.301(a), .302; see also Open Records Decision No. 664 (2000)*

(if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

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 articles 57.02 and 57.03 of the Code of Criminal Procedure. Article 57.02 provides that a completed pseudonym form is confidential and may not be disclosed to any person other than a defendant in the case or the defendant's attorney, except by court order. Crim. Proc. Code art. 57.02. Article 57.03 provides, in relevant part:

(a) A public servant with access to the name, address, or telephone number of a victim 17 years of age or older who has chosen a pseudonym under this chapter commits an offense if the public servant knowingly discloses the name, address, or telephone number of the victim to any person who is not assisting in the investigation or prosecution of the offense or to any person other than the defendant, the defendant's attorney, or the person specified in the order of a court of competent jurisdiction.

Id. art. 57.03(a). The submitted information does not include a pseudonym form or disclose the name, address, or telephone number of a victim who has chosen a pseudonym. Accordingly, articles 57.02 and 57.03 are not applicable to the submitted information, and it may not be withheld on these bases. As no further exceptions to disclosure have been raised, 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,



Kenny Moreland
Assistant Attorney General
Open Records Division

KJM/som

Ref: ID# 541369

Enc. Submitted documents

c: Requestor
(w/o enclosures)