



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

March 6, 2015

Mr. Andrew Warthen  
Assistant Criminal District Attorney  
Civil Section  
County of Bexar  
300 Dolorosa, Fifth Floor  
San Antonio, Texas 78205-3030

OR2015-04281

Dear Mr. Warthen:

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# 555593.

The Bexar County Sheriff's Office (the "sheriff's office") received a request for the name of a deputy involved in a fatal shooting. The sheriff's office claims the requested information is excepted from disclosure under sections 552.101 and 552.152 of the Government Code. We have considered the claimed exceptions and reviewed the submitted information.

Initially, you inform us some of the submitted information is not responsive to the request for information because it does not consist of the requested name. This ruling does not address the public availability of any information that is not responsive to the request, and the sheriff's office is not required to release this information in response to this request.

Section 552.152 of the Government Code provides the following:

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.

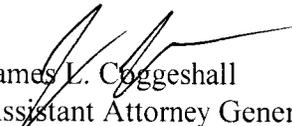
Gov't Code § 552.152. The submitted responsive information consists of the name of a deputy involved in a fatal shooting. You inform us the deputy is an undercover officer with a special task force that works with the United States Marshals Service to apprehend

fugitives. You assert release of the deputy's name would place him in immediate danger and subject him to a substantial threat of physical harm. Based on your representation, we find the sheriff's office has demonstrated release of the information at issue would subject the officer to a substantial threat of physical harm. Therefore, we conclude the department must withhold the requested name of the deputy under section 552.152 of the Government Code.<sup>1</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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](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,



James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/som

Ref: ID# 555593

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>1</sup>As our ruling is dispositive, we do not address your other argument to withhold this information.