



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 18, 2015

Mr. Renato Garcia  
Assistant City Attorney  
City of Corpus Christi  
Legal Department  
P.O. Box 9277  
Corpus Christi, Texas 78469-9277

OR2015-05180

Dear Mr. Garcia:

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# 556780 (CCPD Ref. No. JDom3).

The Corpus Christi Police Department (the "department") received a request for information pertaining to a specified incident. You state the department released most of the requested information. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.1085 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note, in a letter dated March 3, 2015, the department indicates it wishes to withdraw its request for an open records decision with respect to a portion of the submitted information because the department released this information to the requestor. Thus, this ruling does not address the public availability of information the department no longer seeks to withhold.<sup>1</sup>

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 exception encompasses information made confidential by other statutes, including section 143.090 of the Local Government Code, which provides as follows:

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<sup>1</sup>As we make this determination, we need not address your argument under section 552.1085 of the Government Code.

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 state the City of Corpus Christi is a civil service city under chapter 143 of the Local Government Code. You state the information at issue consists of photographs depicting police officers employed by the department. You also state none of the exceptions under section 143.090 apply. Based on your representations and our review, we conclude the department must withhold the information at issue 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.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,



Megan G. Holloway  
Assistant Attorney General  
Open Records Division

MGH/cbz

Ref: ID# 556780

Enc. Submitted documents

c: Requestor  
(w/o enclosures)