



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 10, 2015

Ms. Captoria Brown
Paralegal
City of Carrollton
P.O. Box 110535
Carrollton, Texas 75011-0535

OR2015-06916

Dear Ms. Brown:

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# 562813 (City ID# 4466).

The City of Carrollton (the "city") received a request for certain police and firefighter records. We understand the city is releasing some information with redactions pursuant to sections 552.130 and 552.147 of the Government Code.¹ You claim some of the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108(a) of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution of crime." Gov't Code § 552.108(a)(1). Generally, a governmental body claiming section 552.108 must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You

¹Section 552.130 of the Government Code authorizes a governmental body to redact motor vehicle record information without a ruling from this office, but the governmental body must properly notify the requestor. *See* Gov't Code § 552.130(c)–(e). Section 552.147 authorizes a governmental body to redact the social security number of a living person without a decision from this office. *See id.* § 552.147(b).

state that the submitted information relates to a pending criminal investigation by the city police department. Based upon this representation, we conclude that the release of the submitted information you have marked would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court delineates law enforcement interests that are present in active cases), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Accordingly, the department may withhold the submitted information you have marked from disclosure based on section 552.108(a)(1) of the Government Code. The remaining 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,



Ramsey A. Abarca
Assistant Attorney General
Open Records Division

RAA/eb

Ref: ID# 562813

Enc. Submitted documents

c: Requestor
(w/o enclosures)