



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

July 22, 2015

Ms. Jessica Giese  
Harker Heights Pet Adoption ASO Manager  
City of Harker Heights  
403 Indian Trail  
Harker Heights, Texas 76548

OR2015-14903

Dear Ms. Giese:

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# 572600.

The City of Harker Heights (the "city") received a request for information pertaining to the individual who surrendered three specified animals. You claim 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)(2) 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 . . . it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]" Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal investigation that concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A); Open Records Decision No. 434 at 2-3 (1986). The submitted information consists of administrative documents of the city's animal control department. Although you state the submitted information relates to an event that concluded "with no action taken," you have failed to demonstrate the information at issue relates to a concluded criminal case that did not result in conviction or deferred adjudication. Gov't Code § 552.108(a)(2). Thus, we conclude the city may not withhold the submitted information

under section 552.108(a)(2) of the Government Code. As no other exceptions have been raised, the city must release the submitted information.

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,



Cristian Rosas-Grillet  
Assistant Attorney General  
Open Records Division

CRG/cbz

Ref: ID# 572600

Enc. Submitted documents

c: Requestor  
(w/o enclosures)