



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 28, 2015

Ms. Cynthia Rincon
General Counsel
Fort Bend Independent School District
Department of Legal Services
16431 Lexington Boulevard
Sugar Land, Texas 77479

OR2015-15348

Dear Ms. Rincon:

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# 578674 (ORR 2014-15-1112).

The Fort Bend Independent School District (the "district") received a request for case file number 201401324. You state the district has released some of the requested information. 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.

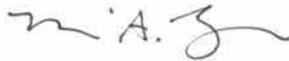
Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that did not result in conviction or deferred adjudication. *See* Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested). You state the submitted information relates to a closed case that has not resulted in conviction or deferred adjudication. However, you also state "[t]he release of the requested information could compromise the investigation and/or prosecution of a crime." Because you have provided this office with conflicting arguments, we find you have failed to sufficiently demonstrate the applicability of section 552.108(a)(2) to the

submitted information. *See id.* § 552.301(e)(2) (governmental body must label copy of information at issue to indicate which exceptions apply to which parts of the information). Therefore, the district may not withhold the submitted information under section 552.108(a)(2) of the Government Code. As the district raises no further exceptions against disclosure, 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,



Nicholas A. Ybarra
Assistant Attorney General
Open Records Division

NAY/cbz

Ref: ID# 578674

Enc. Submitted documents

c: Requestor
(w/o enclosures)