



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

July 29, 2015

Ms. Ann-Marie Sheely  
Assistant County Attorney  
Travis County  
P.O. Box 1748  
Austin, Texas 78767

OR2015-15454

Dear Ms. Sheely:

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# 575303.

The Travis County Attorney's Office (the "county attorney's office") received a request for all records pertaining to the requestor. You state the county attorney's office has released some responsive information to the requestor. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code.<sup>1</sup> We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108 of the Government Code states, in pertinent part, the following:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime [is excepted from required public disclosure] if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime; [or]

...

(4) it is information that:

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<sup>1</sup>Although you do not raise section 552.101 of the Government Code in your brief, we understand you to raise this exception based on your markings.

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for Criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

...

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from the requirements of Section 552.021 if:

...

(3) the internal record or notation:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

Gov't Code § 552.108(a)(1), (a)(4), (b)(3). A governmental body must reasonably explain how and why section 552.108 is applicable to the information at issue. *See id.* § 552.301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the information you have indicated under sections 552.108(a)(4) and 552.108(b)(3) consists of material prepared by a prosecutor in anticipation or in the course of preparing for criminal litigation. You assert release of this information would reveal the prosecutor's mental impressions. Upon review, we find the county attorney's office may withhold the information you have indicated under sections 552.108(a)(4) and 552.108(b)(3) of the Government Code.

You further state the information you have marked under section 552.108(a)(1) relates to a pending criminal prosecution. However, we note the information at issue includes a summons and citation. Because a copy of the summons and citation were provided to the individual who was cited, we find release of the summons and citation will not interfere with the detection, investigation, or prosecution of crime. *See Gov't Code § 552.108(a)(1)*. We therefore conclude the summons and citation may not be withheld under section 552.108(a)(1). However, based on your representations, we conclude the release of the remaining information at issue 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, 186-87 (Tex. Civ. App.—Houston [14th Dist.] 1975) (delineating law enforcement interests present in active cases), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Therefore, section 552.108(a)(1) is applicable to the remaining information you have marked.

However, section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle*. See 531 S.W.2d at 186-88; Open Records Decision No. 127 at 3-4 (1976) (summarizing types of information deemed public by *Houston Chronicle*). Thus, with the exception of basic information, the county attorney's office may withhold the remaining information you have marked under section 552.108(a)(1) of the Government Code.<sup>2</sup>

In summary, the county attorney's office may withhold the information you have indicated under sections 552.108(a)(4) and 552.108(b)(3) of the Government Code. With the exception of the summons, citation, and basic information, all of which must be released, the county attorney's office may withhold the information you have marked under section 552.108(a)(1) of the Government Code.<sup>3</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,



Brian E. Berger  
Assistant Attorney General  
Open Records Division

BB/akg

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<sup>2</sup>As our ruling is dispositive, we do not address your other arguments to withhold this information.

<sup>3</sup>Pursuant to section 552.023 of the Government Code, the requestor has a special right of access to her motor vehicle record information being released. See Gov't Code § 552.023. If the county attorney's office receives a request for this information from a different requestor, then the county attorney's office is authorized to redact this information under section 552.130(c) without the necessity of seeking a decision from the attorney general. See *id.* § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). See *id.* § 552.130(d), (e).

Ref: ID# 575303

Enc. Submitted documents

c: Requestor  
(w/o enclosures)