



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 17, 2015

Ms. Evelyn W. Kimeu
Staff Attorney
City of Houston
1200 Travis
Houston, Texas 77002-6000

OR2015-16977

Dear Ms. Kimeu:

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# 575734 (ORU No. 15-3753).

The Houston Police Department (the "department") received a subpoena duces tecum for the personnel file of a named officer. You claim the request is not a request for information under the Act. Alternatively, you claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered your arguments and reviewed the submitted information.

We note section 552.0055 of the Government Code provides "[a] subpoena duces tecum or a request for discovery that is issued in compliance with a statute or a rule of civil or criminal procedure is not considered to be a request for information under this chapter." Gov't Code § 552.0055. You inform us the submitted subpoena duces tecum was issued under the authority of articles 24.02 and 24.03 of the Code of Criminal Procedure. Based on your representation and our review of the request, we conclude the department did not receive a written request for public information that triggered the Act. Because the Act is not implicated, we will not address your claimed exception to disclosure for the requested 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, 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,

A handwritten signature in black ink, appearing to read "Cole Hutchison". The signature is fluid and cursive, with the first name "Cole" being more prominent.

Cole Hutchison
Assistant Attorney General
Open Records Division

CH/som

Ref: ID# 575734

Enc. Submitted documents

c: Requestor
(w/o enclosures)