KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 9, 2015

Ms. Judi S. Rawls
Police Admin Legal Counsel
City of Beaumont
Beaumont Police Department
P.O. Box 3827
Beaumont, Texas 77704-3827

OR2015-18851

Dear Ms. Rawls:

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# 584457 (ORR No. 08-15).

The Beaumont Police Department (the "department") received a request for the identification card of a named officer. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses section 143.090 of the Local Government Code. The department states the City of Beaumont is a civil service city under chapter 143 of the Local Government Code. Section 143.090 provides:

> A department, [the Fire Fighters' and Police Officers' Civil Service Commission), or municipality may not release a photograph that depicts a police officer unless:
>
> > (1) the officer has been charged with an offense by indictment or by information;

(2) the officer is a party in a civil service hearing or a case before a hearing examiner or in arbitration;

(3) the photograph is introduced as evidence in a judicial proceeding; or

(4) the officer gives written consent to the release of the photograph.

Local Gov't Code § 143.090. You state the submitted information consists of a photograph depicting a police officer. You inform us none of the exceptions under section 143.090 apply. Accordingly, the department must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 143.090 of the Local Government Code.

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,

Britni Fabian

Britni Fabian
Assistant Attorney General
Open Records Division

BF/bhf

Ref: ID# 584457

Enc. Submitted documents

c: Requestor
(w/o enclosures)