



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 21, 2015

Ms. Molly Cost
Assistant General Counsel
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR2015-22156

Dear Ms. Cost:

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# 584003 (PIR# 15-3890).

The Texas Department of Public Safety (the "department") received a request for a list of all active contracts involving the department, including the date of the award, the name of the contractor, and the project title or description. You state you will release some information to the requestor. You claim portions of the submitted information are excepted from disclosure under sections 552.101, 552.108, and 552.152 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108(b)(1) of the Government Code excepts from disclosure "[a]n 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 . . . if . . . release of the internal record or notation would interfere with law enforcement or prosecution[.]" Gov't Code § 552.108(b)(1); *see City of Fort Worth v. Cornyn*, 86 S.W.3d 320, 327 (Tex. App.—Austin, no pet.) (Gov't Code § 552.108(b)(1) protects information that, if released, would permit private citizens to anticipate weaknesses in police department, avoid detection, jeopardize officer safety, and generally undermine police efforts to effectuate state laws). The statutory predecessor to section 552.108(b)(1) protected information that would reveal law enforcement techniques. *See, e.g.,* Open Records Decision Nos. 531 (1989) (detailed use of force guidelines), 456 (1987) (information regarding location of off-duty police officers), 413 (1984) (sketch showing security measures to be used at next execution). The statutory predecessor to section 552.108(b)(1) was not applicable to generally known policies and procedures. *See, e.g.,* Open Records Decision Nos. 531 at 2-3 (Penal Code provisions, common-law rules, and constitutional limitations on use of force not protected), 252 at 3

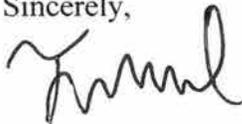
(1980) (governmental body failed to indicate why investigative procedures and techniques requested were any different from those commonly known).

You state the information you have marked in Tab A consists of memoranda of understanding with various law enforcement agencies to provide alias social security numbers to be used by undercover officers of those agencies. You state release of this information “would hinder and negatively affect criminal investigative efforts” by “expos[ing] the law enforcement agencies that participate in this program[.]” You state the information you have marked in Tab B reveals specialized electronic surveillance equipment used by the department. You argue release of this information “would provide wrong-doers, drug traffickers, terrorists, and other criminals with invaluable information concerning specialized surveillance equipment utilized by the [d]epartment in the investigation and detection of crime” and would “jeopardize the future use of this specialized equipment . . . [, thereby compromising] investigative efforts and allow[ing] criminals to employ techniques to defeat or detect this equipment, rendering it ineffective.” Upon review, we find you have demonstrated release of the information at issue would interfere with law enforcement. Accordingly, the department may withhold the information you have marked in Tabs A and B under section 552.108(b)(1) of the Government Code.¹ As you raise no further exceptions to disclosure, the department must release the remaining 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,



Tim Neal
Assistant Attorney General
Open Records Division

TN/dls

¹As our ruling is dispositive, we need not address your remaining arguments against disclosure.

Ref: ID# 584003

Enc. Submitted documents

c: Requestor
(w/o enclosures)