



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 28, 2015

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

OR2015-22641

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# 583337 (PIR No. 15-3782).

The Texas Department of Public Safety (the "department") received a request for a log of incidents involving officers entered into the BLUETEAM system since that system was rolled out. 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.

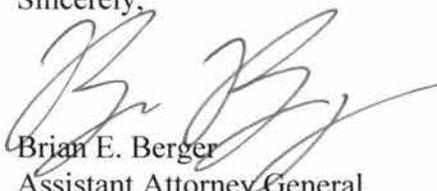
Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses section 411.00755(b) of the Government Code which states, in pertinent part, "The personnel records of a commissioned officer of the department may not be disclosed or otherwise made available to the public[.]" *Id.* § 411.00755(b). Thus, section 411.00755 excepts from disclosure the personnel records of commissioned department officers. Section 411.00755 defines a personnel record, in part, as "any letter memorandum, or document maintained by the department that relates to a commissioned officer of the department[.]" *Id.* § 411.00755(a). The submitted information consists of information entered into the BLUETEAM incident reporting system, which you state will replace the HQ-12 Incident Report forms currently used by the department. We understand HQ-12 incident reports either include a detailed description and evaluation of

commissioned officers' actions in situations involving pursuits, as well as situations involving use of force, firearm discharges, and fleet occurrences, or are a summary of those actions and evaluations. In response to an inquiry from this office,¹ you state the documents submitted to this office as responsive to the request are the functional equivalent of the HQ-12 forms, which this office has previously found to be excepted from disclosure under section 411.00755. *See, e.g.*, Open Records Letter No. 2014-19011 (2014). You additionally state the information in the submitted documents was gathered from actual HQ-12 reports and entered into the requested logs. You further explain BLUETEAM is an intervention tool for employees and its purpose is to, among other things, improve officer performance and supervisor accountability, reduce complaints, and identify training needs. Upon review, we agree the information at issue constitutes personnel records of commissioned officers under section 411.00755(a)(1). There is no indication the information at issue contains the types of information listed in subsections 411.00755(b)(1)-(12), or that the release provisions in section 411.00755(c) are applicable. Therefore, the department must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 411.00755 of the 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,



Brian E. Berger
Assistant Attorney General
Open Records Division

BB/akg

¹See Gov't Code § 552.303(e)-(d) (if attorney general determines information in addition to that required by section 552.301 is necessary to render decision, written notice of that fact shall be given to governmental body and requestor, and governmental body shall submit necessary additional information to attorney general not later than seventh calendar day after date of receipt of notice).

Ref: ID# 583337

Enc. Submitted documents

c: Requestor
(w/o enclosures)