



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 19, 2015

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

OR2015-24364

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# 586095 (DPS PIR# 15-4171).

The Texas Department of Public Safety (the "department") received a request for specified spreadsheets regarding citations, warnings, arrests from traffic violations and offenses, and department complaints. You state you will release some of the information to the requestor. You claim the submitted information concerning complaints against officers is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

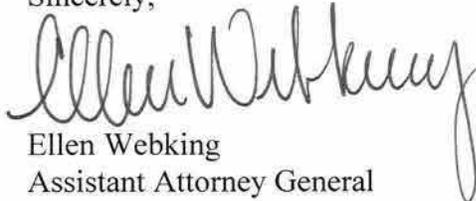
Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses section 411.00755(b) of the Government Code which states, in pertinent part, "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). You state the department maintains a database of all complaints against officers the department investigates. You state the submitted database and list contain information derived from the complaints and

subsequent investigations. Thus, you state the information consists of personnel records of commissioned officers of the department that are subject to section 411.00755. You inform us the database at issue and the submitted list are “only used for personnel purposes.” 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,



Ellen Webking
Assistant Attorney General
Open Records Division

EW/akg

Ref: ID# 586095

Enc. Submitted documents

c: Requestor
(w/o enclosures)