



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 14, 2015

Mr. Paul S. Watkins
County Attorney
Gonzales County
415 Saint Louis Street
Gonzales, Texas 78629-4029

OR2015-26287

Dear Mr. Watkins:

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# 590656.

Gonzales County (the "county") received two requests for a specified search warrant. The county claims the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception the county claims and reviewed the submitted information.

Initially, we note the requestors only seek the specified search warrant. Accordingly, only the submitted search warrant is responsive to the request. The remainder of the submitted information is not responsive to the request, and this decision does not address the remaining information.

Next, we note the submitted search warrant is a court-filed document. Section 552.022(a)(17) of the Government Code provides for required public disclosure of "information that is also contained in a public court record[,]" unless the information is expressly made confidential under the Act or other law. Gov't Code § 552.022(a)(17). Although the county seeks to withhold this information under section 552.108 of the Government Code, this section is a discretionary exception to disclosure that protects a governmental body's interests and does not make information confidential under the Act. *See id.* § 552.007; Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions

generally), 177 at 3 (1977) (statutory predecessor to section 552.108 subject to waiver). Therefore, the county may not withhold the court-filed document, which we have marked, under section 552.108. As you raise no further exceptions to disclosure for this information, the county must release the submitted search warrant.

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,



Debbie K. Lee
Assistant Attorney General
Open Records Division

DKL/sb

Ref: ID#590656

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)