



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

February 1, 2016

Ms. June B. Harden  
Assistant Attorney General  
Assistant Public Information Coordinator  
General Counsel Division  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548

OR2016-02354

Dear Ms. Harden:

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# 596267 (OAR PIR No. 15-42836).

The Office of the Attorney General (the "OAG") received a request for all documents involving the requestor, including documentation related to a specified claim under the Crime Victim's Compensation Fund in which a named individual was the claimant, the identity of all witnesses to any incident involving the named individual and the requestor, and all records reflecting injuries that may have been sustained by the named individual in a specified incident. You state the OAG will release some of the requested information. You claim the remaining requested information is excepted from disclosure under section 552.132 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.<sup>1</sup> We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (permitting interested third party to submit to attorney general reasons why requested information should or should not be released).

Section 552.132 of the Government Code provides in pertinent part as follows:

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<sup>1</sup>We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

(a) . . . , in this section, “crime victim or claimant” means a victim or claimant under Subchapter B, Chapter 56, Code of Criminal Procedure, who has filed an application for compensation under that subchapter.

(b) The following information held by the crime victim’s compensation division of the attorney general’s office is confidential:

(1) the name, social security number, address, or telephone number of a crime victim or claimant; or

(2) any other information the disclosure of which would identify or tend to identify the crime victim or claimant.

. . .

(d) An employee of a governmental body who is also a victim under Subchapter B, Chapter 56, Code of Criminal Procedure, regardless of whether the employee has filed an application for compensation under that subchapter, may elect whether to allow public access to information held by the attorney general’s office or other governmental body that would identify or tend to identify the victim, including a photograph or other visual representation of the victim. An election under this subsection must be made in writing on a form developed by the governmental body, be signed by the employee, and be filed with the governmental body before the third anniversary of the latest to occur of one of the following:

(1) the date the crime was committed;

(2) the date employment begins; or

(3) the date the governmental body develops the form and provides it to employees.

(e) If the employee fails to make an election under Subsection (d), the identifying information is excepted from disclosure until the third anniversary of the date the crime was committed. In case of disability, impairment, or other incapacity of the employee, the election may be made by the guardian of the employee or former employee.

*Id.* § 552.132(a), (b), (d), (e). Accordingly, section 552.132 protects a crime victim’s or claimant’s identifying information. When a crime victim or claimant is awarded compensation, section 552.132(c) requires release of the crime victim’s or claimant’s name and the amount of compensation awarded. *Id.* § 552.132(c). Section 552.132(d) permits an employee of a governmental body who is also a victim, as defined by subchapter B of chapter 56 of the Code of Criminal Procedure, to elect whether to allow public access to information held by a governmental body that would identify or tend to identify the victim.

*Id.* § 552.132(d). Under section 552.132(e) of the Government Code, if the employee fails to make such an election, the identifying information is excepted from disclosure until the third anniversary of the date the crime was committed. *Id.* § 552.132(e).

Although the requestor asserts the confidentiality of the information at issue expired three years after the date the crime was committed pursuant to section 552.132(e) of the Government Code, we have no indication the victim in the incident at issue is an employee of a governmental body. Accordingly, section 552.132(e) is not applicable to the information at issue.

You state the OAG will release the information subject to section 552.132(c). As for the remaining information, generally, the OAG would only be allowed to withhold the victim's identifying information from public disclosure. In this instance, however, because the requestor knows the victim's identity, withholding only the identifying information would not effectuate the purpose of the statute. Thus, all of the information is confidential pursuant to section 552.132, and the OAG must withhold all of the information on that basis.

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](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,



Joseph Behnke  
Assistant Attorney General  
Open Records Division

JB/som

Ref: ID# 596267

Enc. Submitted documents

c: Requestor  
(w/o enclosures)