



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 13, 2016

Ms. Cary Grace
Assistant City Attorney
City of Austin
P.O. Box 1088
Austin, Texas 78767

OR2016-08321

Dear Ms. Grace:

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# 605778 (ORR# 01-01477).

The Austin Police Department (the "department") received a request for the "official" photographs and salary information of named officers. The department states it is withholding some of the requested information in accordance with Open Records Letter No. 2013-03349 (2013). *See* Gov't Code § 552.301(a); Open Records Decision No. 673 at 7-8 (2001). The department also states it has released some of the requested information, but claims the remaining information is excepted from disclosure under section 552.119 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

Section 552.119 of the Government Code provides the following:

- (a) A photograph that depicts a peace officer as defined by Article 2.12, Code of Criminal Procedure, the release of which would endanger the life or physical safety of the officer, is excepted from [required public disclosure] unless:

- (1) the officer is under indictment or charged with an offense by information;
- (2) the officer is a party in a civil service hearing or a case in arbitration; or
- (3) the photograph is introduced as evidence in a judicial proceeding.

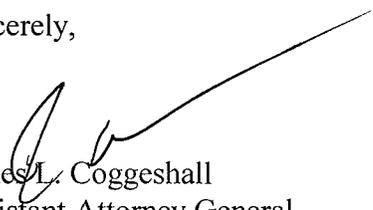
(b) A photograph excepted from disclosure under Subsection (a) may be made public only if the peace officer gives written consent to the disclosure.

Gov't Code § 552.119. Under section 552.119, a governmental body must demonstrate, if the documents do not demonstrate on their face, that release of the photograph would endanger the life or physical safety of a peace officer. The department states "release of the photographs in question will endanger the lives or physical safety of the officers in question." The department indicates the officers concerned have not consented to public disclosure of their photographs. Further, it states the photographs are not subject to subsections (1) through (3) of section 552.119(a). Based on your representations and our review, we have determined release of the remaining photographs would endanger the lives or physical safety of the officers. Therefore, the department must withhold the remaining photographs under section 552.119 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/our_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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/sdk

Ref: ID# 605778

Enc. Submitted documents

c: Requestor
(w/o enclosures)