



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 12, 2016

Ms. Michelle Buendia
Assistant City Attorney
Criminal Law and Police Section
City of Dallas
1400 South Lamar
Dallas, Texas 75215

OR2016-10852

Dear Ms. Buendia:

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# 609915 (ORR No. 2015-22522).

The Dallas Police Department (the "department") received a request for citizen complaints, internal investigations, administrative reviews, and disciplinary actions pertaining to a named officer, as well as all citations written by the named officer, including the race and ethnicity of all offenders cited by said officer. You claim the submitted information is excepted from disclosure under section 552.117 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted representative sample of information.²

¹Although you also raise section 552.101 of the Government Code, you have provided no arguments explaining how this exception is applicable to the submitted information. Therefore, we assume you no longer assert this exception. Further, we note the department did not comply with section 552.301 of the Government Code in requesting this decision. *See* Gov't Code § 552.301(b), (e). Nonetheless, because section 552.117 of the Government Code can provide a compelling reason to overcome the presumption of openness, we will consider its applicability to the submitted information. *See id.* §§ 552.007, .302, .352.

²We 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.

Initially, we note you have only submitted audio recordings as responsive to the request. To the extent information responsive to the remainder of the request existed on the date the department received the request, we assume you have released it. *See* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible). If you have not released any such information, you must do so at this time. *See* Gov't Code §§ 552.301(a), .302.

You contend some of the information in the submitted audio recordings may be subject to section 552.117 of the Government Code. Section 552.117(a)(2) of the Government Code excepts from public disclosure the home address, home telephone number, emergency contact information, and social security number of a peace officer, as well as information that reveals whether the peace officer has family members, regardless of whether the peace officer complies with sections 552.024 and 552.1175 of the Government Code. *See id.* § 552.117(a)(2). Section 552.117(a)(2) applies to peace officers as defined by article 2.12 of the Code of Criminal Procedure. To the extent the submitted audio recordings contain the home address, home telephone number, emergency contact information, social security number or family member information of a peace officer, the department must withhold such information under section 552.117(a)(2) of the Government Code. You state the department lacks the technological capability to redact information from these recordings. However, because the department had the ability to copy the submitted audio recordings in order to submit the requested information for our review, we believe the department has the capacity to produce copies of only the non-confidential portions of the audio recordings at issue. Accordingly, the department must withhold the home address, home telephone number, emergency contact information, social security number, or family member information of a peace officer in the submitted audio recordings under section 552.117(a)(2) of the Government Code. To the extent the remaining information does not contain the home address, home telephone number, emergency contact information, social security number, or family member information of a current or former official, employee, or peace officer of the department, the department may not withhold any of the remaining information under section 552.117. As you raise no further exceptions to disclosure, the department must release the remaining information.

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,

A handwritten signature in black ink that reads "Britni Ramirez". The signature is written in a cursive, flowing style.

Britni Ramirez
Assistant Attorney General
Open Records Division

BR/dls

Ref: ID# 609915

Enc. Submitted documents

c: Requestor
(w/o enclosures)