



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 18, 2016

Mr. Peter Gruning
Counsel for the City of Lockhart
P.O. Box 314
San Marcos, Texas 78667-0314

OR2016-11356

Dear Mr. Gruning:

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# 610854.

The Lockhart Police Department (the "department"), which you represent, received a request for video recordings of a specified incident involving a named individual. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note you have submitted information other than the specified video recordings. This information, which we have marked, is not responsive to the instant request. The department need not release nonresponsive information in response to this request, and this ruling will not address that information.

Section 552.108(b)(2) of the Government Code excepts from disclosure the internal records and notations of law enforcement agencies and prosecutors if "the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication[.] See Gov't Code § 552.108(b)(2). A governmental body claiming section 552.108(b)(2) must demonstrate the requested information relates to a concluded criminal investigation did not result in a conviction or deferred adjudication. See *id.* § 552.301(e)(1)(A). You state the responsive information relates to a closed criminal investigation by the department that did not result in conviction or deferred adjudication.

Based on your representation and our review, we find the department may withhold the responsive information under section 552.108(b)(2) of the Government Code.¹

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,



Joseph Keeney
Assistant Attorney General
Open Records Division

JDK/dls

Ref: ID# 610854

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As our ruling is dispositive, we need not address your remaining argument against disclosure.