



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

May 23, 2016

Mr. Charles H. Weir  
Assistant City Attorney  
City of San Antonio  
P. O. Box 839966  
San Antonio, Texas 78283-3966

OR2016-11679

Dear Mr. Weir:

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# 612547 (ORR# W107933).

The City of San Antonio (the "city") received a request for photographs and other disciplinary information pertaining to firefighters with the city's fire department (the "department") and police officers who served suspensions in 2015. The city states it has released some of the requested information, but claims the submitted information is excepted from disclosure under sections 552.101 and 552.139 of the Government Code.<sup>1</sup> We have considered the claimed exceptions and reviewed the submitted representative sample of information.<sup>2</sup>

---

<sup>1</sup>We note the city did not comply with the requirements of section 552.301 of the Government Code. *See* Gov't Code § 552.301(b), (e). Nevertheless, sections 552.101 and 552.139 of the Government Code can provide compelling reasons to overcome the presumption of openness caused by a failure to comply with section 552.301. *See id.* §§552.007, .302. Thus, we will consider the applicability of sections 552.101 and 552.139 to the information at issue.

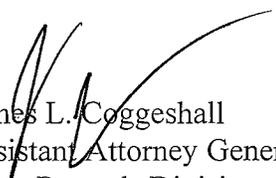
<sup>2</sup>We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

Section 552.139(b)(3) of the Government Code provides, “a photocopy or other copy of an identification badge issued to an official or employee of a governmental body” is confidential. Gov’t Code § 552.139(b)(3). The city states the requested photographs are created and maintained at the San Antonio Fire Academy (the “academy”) for the purpose of creating and re-creating department identification badges for its firefighters. Thus, the city argues “because the photographs maintained at [the academy] are used for creating identification badges that are confidential, the photographs themselves are confidential, as well.” Accordingly, we understand the requested photographs maintained at the academy were created specifically for use on identification badges. Therefore, we conclude the city must withhold the submitted information under section 552.139(b)(3) 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/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,



James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/eb

Ref: ID# 612547

Enc. Submitted documents

c: Requestor  
(w/o enclosures)