



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 31, 2016

Chief Kenny Seymour
Fulshear Police Department
P.O. Box 279
Fulshear, Texas 77441

OR2016-12214

Dear Chief Seymour:

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# 618650.

The Fulshear Police Department (the "department") received a subpoena duces tecum instanter for information pertaining to a specified investigation. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

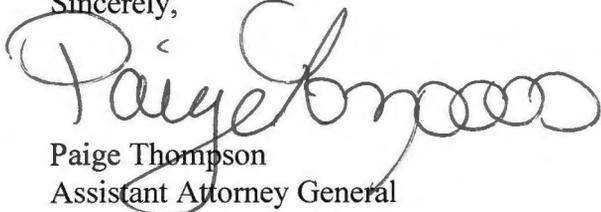
We note section 552.0055 of the Government Code provides "[a] subpoena duces tecum or a request for discovery that is issued in compliance with a statute or a rule of civil or criminal procedure is not considered to be a request for information under this chapter." Gov't Code § 552.0055. The subpoena duces tecum instanter reflects it was issued under the authority of article 24.01 of the Code of Criminal Procedure. Accordingly, we conclude the department did not receive a written request for public information that triggered the Act. Because the Act is not implicated, we will not address your claimed exception to disclosure for the requested 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 cursive script, appearing to read "Paige Thompson". The signature is written in black ink and is positioned above the typed name.

Paige Thompson
Assistant Attorney General
Open Records Division

PT/dls

Ref: ID# 618650

Enc. Submitted documents

c: Requestor
(w/o enclosures)