



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 28, 2016

Ms. Leslie O. Haby
Assistant Criminal District Attorney
County of Bexar
101 West Nueva, 7th Floor
San Antonio, Texas 78205

OR2016-14662

Dear Ms. Haby:

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# 622035 (ORR Nos. 5195 & 5200).

The Bexar County Criminal District Attorney's Office (the "district attorney's office") received two requests from different requestors for a specified list of officers who are suspended or under investigation. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108 of the Government Code states, in pertinent part, the following:

...

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from the requirements of Section 552.021 if:

...

(3) the internal record or notation:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

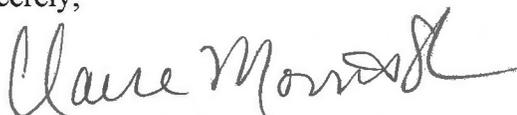
(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

Gov't Code § 552.108(b)(3). Section 552.108(b)(3) protects information prepared by an attorney representing the state or information that reflects the mental impressions or legal reasoning of an attorney representing the state. A governmental body that claims an exception to disclosure under section 552.108(b)(3) must explain how this exception is applicable to the information the governmental body seeks to withhold. *See id.* § 552.301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You argue the submitted information was prepared by an attorney representing the state in anticipation of criminal litigation and you state the information reflects the mental impressions and legal strategies of attorneys representing the state. Based on your representations and our review, we agree the district attorney's office may withhold the submitted information under section 552.108(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, 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,



Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/som

Ref: ID# 622035

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)