KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 14, 2016

Ms. June B. Harden
Assistant Attorney General
Assistant Public Information Coordinator
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR2016-20814

Dear Ms. Harden:

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# 626444 (PIR No. 16-44682).

The Office of the Attorney General (the "OAG") received a request for information pertaining to a specified crime victim's compensation application involving a named victim. The OAG states it released information in accordance with section 552.132(c) of the Government Code. The OAG claims the remaining requested information is excepted from disclosure under section 552.132 of the Government Code. We have considered the claimed exception and reviewed the submitted representative sample of information.[1] We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (permitting interested third party to submit to attorney general reasons why requested information should or should not be released).

Initially, we address the requestor's assertion he has a right of access to the requested information under article 39.14 of the Texas Code of Criminal Procedure. Article 39.14

[1]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 that those records contain substantially different types of information than that submitted to this office.

governs the discovery of information and the testimony of witnesses in criminal proceedings. *See* Crim. Proc. Code art. 39.14. However, we note the Act differs in purpose from statutes and procedural rules providing for discovery in judicial proceedings. *See* Gov't Code §§ 552.005 (the Act does not affect scope of civil discovery), .0055 (subpoena duces tecum or request for discovery issued in compliance with statute or rule of civil or criminal procedure is not considered to be request for information under the Act). The discovery process is a process through which parties to litigation can obtain information pertaining to the litigation. A public information request under the Act is a process in which any individual may request information from a governmental body. Thus, the discovery process has no bearing on the availability of information requested under the Act.

Section 552.132 of the Government Code provides in pertinent part as follows:

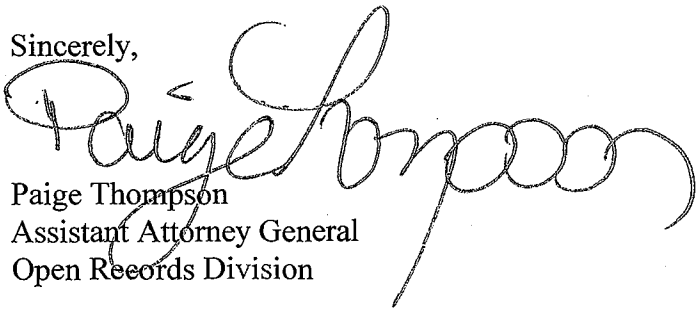
> (a) . . . , in this section, "crime victim or claimant" means a victim or claimant under Subchapter B, Chapter 56, Code of Criminal Procedure, who has filed an application for compensation under that subchapter.
>
> (b) The following information held by the crime victim's compensation division of the attorney general's office is confidential:
>
> > (1) the name, social security number, address, or telephone number of a crime victim or claimant; or
> >
> > (2) any other information the disclosure of which would identify or tend to identify the crime victim or claimant.

Id. § 552.132(a), (b). Thus, section 552.132 protects a crime victim's or claimant's identifying information. When a crime victim or claimant is awarded compensation, section 552.132(c) requires release of the crime victim's or claimant's name and the amount of compensation awarded. *Id.* § 552.132(c). The OAG states it released the information subject to section 552.132(c). As for the remaining information, generally, the OAG would only be allowed to withhold the victim's identifying information from public disclosure. In this instance, however, because the requestor knows the victim's identity, withholding only the identifying information would not effectuate the purpose of the statute. Thus, all of the information at issue is confidential pursuant to section 552.132, and the OAG must withhold all of the information at issue on that basis.

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,



Paige Thompson
Assistant Attorney General
Open Records Division

PT/dls

Ref: ID# 626444

Enc. Submitted documents

c: Requestor
(w/o enclosures)