

January 31, 2018

***** **REQUEST FOR OPEN RECORDS LETTER RULING** *****

Via First Class Mail CMRRR

Honorable Ken Paxton
Attorney General of Texas
Supreme Court Building
P. O. Box 12548
Austin, Texas 78711-2548
Attention: Open Records Committee

*Certified Mail
Return Receipt Requested*

Re: Public Information Request received January 31, 2018 from Georgina Ita to the Harris County Sheriff's Office requesting Copy of Offense Report HC 17-23613. *HCSO File Number #18SO8001648.*

Dear Attorney General Paxton:

On January 31, 2018, the Harris County Sheriff's Office received the enclosed written request by Georgina Ita for Copy of Offense Report HC 17-23613. *See Exhibit "A."*

By copy of this letter, the requestor is being notified that we believe the responsive information is excepted from public disclosure under the Texas Government Code § 552.108, and that if the requestor should have any questions regarding the Texas Public Information Act, he/she may contact the Office of the Attorney General's Hotline at (877) 673-6839. The Harris County Sheriff's Office advises that it will release the basic public release information to the requestor.

ARGUMENT AND AUTHORITY

The Harris County Sheriff's Office deems the subject request to be one pursuant to the Texas Public Information Act, TEX. GOV'T CODE ANN. §§ 552.001-552.353. The information has not been released, as the information requested appears to fall within an exception to the Public Information Act, TEX. GOV'T CODE ANN. §552.101 et. seq. The responsive documents for which we are seeking an exception are enclosed. *See Exhibit "B."*

The Public Information Act provides that "public information" means information that is collected, assembled, or maintained under a law or ordinance, or in connection with the transaction of official business: (1) by a governmental body; or (2) for a governmental body and the governmental body owns the information or has a right of access to it." TEX. GOV'T CODE ANN. § 552.021, *as amended*. Public information must be disclosed unless the information falls within one of the Act's specific exceptions to disclosure. TEX. GOV'T CODE ANN. § 552.001, *et seq., as amended*; Open Records Decision Nos. 511 (1988) and 363 (1983).

The information requested contains records that fall under §552.108 of the Texas Government Code, the "law enforcement exception." Section 552.108 (a)(2) provides that:

- (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

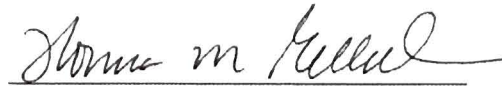
- (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication ...

Gov't Code § 552.108(a)(2).

The Harris County Sheriff's Office advises that Exhibit "B" pertains to a criminal investigation that did not result in conviction or deferred adjudication. Therefore, the HCSO believes the information contained in Exhibit "B" should be excepted from public disclosure under section 552.108(a)(2) because it concluded in a result other than conviction or deferred adjudication.

The Harris County Sheriff's Office respectfully requests a ruling on this matter. Please do not hesitate to contact our office at (713) 755-6044 if you need additional information.

Sincerely,


PUBLIC INFORMATION OFFICER
THOMAS M Gilliland.
PRINT NAME

cc: Georgina Ita
623 Hood Ct
Rosenberg, Texas 77469