



LEGAL DEPARTMENT

January 28, 2025

ELECTRONICALLY FILED

The Honorable Ken Paxton
Texas Attorney General
P. O. Box 12548
Austin, Texas 78711-2548

Attention: Open Records Division

Re: **Our File ID No. W024759**; Texas Public Information Act request dated January 11, 2025, from Marina Brown requesting information that includes some "(g) file" material for an SMPD Officer.

Dear Mr. Paxton:

The City of San Marcos ("City") received the above-referenced request on January 11, 2025 (**Exhibit 1**). By copy of this letter, the City is informing the requestor that the City believes some of the requested information (**Exhibit 2**) to be excepted from public disclosure under §552.101 of the Texas Government Code.

Applicable Exemptions from Disclosure

The records are Police Department records which may be withheld under the following sections of the Texas Public Information Act (Gov't Code 552.101, et seq):

Section 552.101 with Local Gov't Code 143.089(g) excepts from disclosure information which is confidential by statute or other law, by judicial decision, or by common law. The City of San Marcos Police Department operates under Civil Service rules pursuant to Chapter 143 of the Texas Local Government Code. The City asserts that any such class of information which is allowed to be kept in a confidential departmental file under Section 143.089(g) should be withheld under this provision. These files contain only documents which are not required by law to be placed in the Section 143.089(a) file.

The City is seeking authorization to withhold all responsive information contained in the 143.089(g) files pursuant to Section 552.101 of the Texas Public Information Act ("the Act"). The documents are maintained confidentially in the internal Police Department files pursuant to Section 143.089(g). These documents are confidential by law under Section 552.101 because Section 143.089(g) provides that information kept in the (g) file (other than documents required to be placed in the (a) file) is confidential. None of the information the City is seeking to withhold qualifies as information that must be kept in the (a) file. Other responsive information which is part of the request that does not qualify as (g) file material has been or will be released.

Based on the foregoing, the City believes the withheld information should be excepted from disclosure. The City respectfully requests a ruling from your office allowing the City to withhold the information. Please do not hesitate to contact me at 512-393-8150 should you require additional information or have any questions regarding this matter.

Sincerely,

/s/Doug Montgomery
Douglas G. Montgomery
Assistant City Attorney

Encl. (2)
Exhibit 1
Exhibit 2

c: (no enclosures)

Angela Gonzales, SMPD Records Manager

Marina Brown
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