



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 6, 2009

[REDACTED]
Administrative Assistant
Somervell County Sheriff's Office
750 E. Gibbs Blvd.
Glen Rose, TX 76043

CERTIFIED MAIL
7004 1160 0004 9547 4624

RE: COMPLAINT OF OVERCHARGES - [REDACTED] - ML-338710-09


[REDACTED]

Thank you for your letter in response to our correspondence regarding the above-referenced complaint of overcharges for copies of public information under the Public Information Act (the "Act"), chapter 552 of the Government Code.

We find that the charges are not appropriate. We base our finding on the following:

- The request identified specific individuals, by arrest number and booking date; therefore, identification of the photos was not necessary;
- Administrative inconvenience, in this case, the shortcomings of the computer system utilized by the sheriff's office, is not a sufficient reason to charge labor; and
- The county released five paper copies. The Act does not allow labor charges on most requests for 50 or fewer pages.

Additionally, we note that in a case where the governmental body must manipulate electronic data to provide the copy, the governmental body must provide the statement required by section 552.231 of the Act.


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Finally, we note that the sheriff's office requested, and received, a ruling from this office that allowed the sheriff's office to withhold the requested mug shots pursuant to section 552.108 of the Act. Section 552.108 is a discretionary exception under the Act. The sheriff's office chose to release records relating to closed cases. Because section 552.108 is discretionary, the sheriff's office may not charge labor time to determine which cases are still open and which cases are closed.

Therefore, the only charges allowed are \$.10 for each page released. Within five business days from receipt of this letter you are required to provide the requestor with notice that the records are ready and may be obtained by paying a total of \$.50. Also, provide a copy of the letter for our files. On receipt of the copy, we will close our file on this matter.

If you have any questions or need additional assistance, feel free to contact me at 512-475-2497, or via email at hadassah.schloss@oag.state.tx.us. I look forward to your timely response.

Sincerely,


Hadassah Schloss
Cost Rules Administrator
Open Records Division


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