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News Release

Devin Sanchez
Director of Communications

Press Release

ODESSA – The Public Information Act (PIA) governs the State of Texas and the City of Odessa. The City has an obligation under the PIA to disclose public information. However, the City also has an obligation under the PIA to safeguard confidential information of third parties, witnesses, juveniles, and people who are victims of crimes. In short, the PIA makes it clear that confidential information may be withheld from public disclosure under certain circumstances.

“Public Information” means information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by a governmental body as prescribed by Texas law. Thus, the City of Odessa as the custodians of records diligently reviews information in order to ensure that confidential information is excepted from disclosure. (Please see §§552.101 – 552.158 of the Texas Local Government Code, *Dominguez v. Gilbert*, 48 S.W. 3d 789, 793 (Tex. App.—Austin 2001, no pet.) as well as pgs. 64-172 of the Attorney General Public Information Act Handbook). The PIA says that a governmental body must promptly produce information for inspection, duplication, or both. The PIA further states that if the governmental body does not promptly produce the information, they must ask for a decision from the Attorney General about whether the information is excepted from disclosure. (Please See §§552.221 & 552.301 of the Texas Local Government Code). If the governmental body wishes to withhold information from the requestor, then the governmental body must request a decision from the Attorney General within 10 business days. (Please See §552.301(a)-(b) of the Texas Local Government Code). Not later than the 15th business day, the governmental body must Submit a copy of the specific information requested, or submit representative samples of the information if a voluminous amount of information was requested, and send a copy of your written comments to the requestor. (Please See §552.301(e)-(e-1) of the Texas Local Government Code).

If the public information does not fall under an exception pursuant to the PIA, then information will be released promptly as required under the PIA. However, if the information is excepted from disclosure, then the City must either redact the excepted information or submit the information to the Office of the Attorney General of Texas for a ruling. Information relating to a pending criminal investigation or prosecution is one example of information that is excepted under the PIA, because release of such information would presumptively interfere with the detection, investigation, or prosecution of crime. (Please see §552.108(a)(1) of the Texas Local Government Code). Further, information that contains highly intimate or embarrassing facts about a person's private affairs such that its release would be highly objectionable to a reasonable person and is of no legitimate concern to the public, is also excepted from disclosure. (Please See §552.101 of the Texas Local Government Code and *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976)). This above information is often included in affidavits, police reports, and other requested information.

Further, the PIA states that the dates of birth of living persons, driver's license and license plate numbers, credit card and insurance policy numbers, juvenile offender records, child abuse investigations, peace officer's home address and family member information are all considered confidential by statute. (Please see §§552.101 – 552.158 of the Texas Local Government Code, *Dominguez v. Gilbert*, 48 S.W. 3d 789, 793 (Tex. App.—Austin 2001, no pet.) as well as pgs. 64-172 of the Attorney General Public Information Act Handbook). Because the facts and information mentioned in the Local Government Code and the Public information act handbook may be excepted from disclosure, it may take the City longer to release any information about the crime. Therefore, the City will often, through the Police Department's public information officer, release a summary of the facts which the City believes satisfies the legitimate public interest that the media has in this information.

Any information requested from the City must be in writing. The City has invested in GovQA, which provides an avenue for anyone with a computer to request public information through the City of Odessa's website. The GovQA software provides the City with tools to quickly prioritize and complete records request as they are submitted. This guarantees the quick delivery of documents to the requestors, streamlining the process from beginning to end. However, public information requests may also be requested from the City by United States mail, electronic mail, or hand delivery. These requests must be addressed to Devin Sanchez, Director of Communications, either by email at ddsanchez@odessa-tx.gov or United States mail [at](#) 411 W. 8th Street, Odessa, TX 79761, in order to trigger an obligation under the Public Information Act. (See §552.301 of The Texas Local Government Code and pgs. 17-25 of the Public Information Act Handbook)

The City is committed to the overall policy of transparency set forth in the Public Information Act (See §552.001 of the Texas Local Government Code) to provide easy access to public records which are deemed open. However, the City also has an obligation to the public to ensure that information that is confidential by law is not disclosed to third parties. The City follows the same procedures as other local municipalities across the State of Texas by employing GovQA and other mechanisms for the public to request information.

