

August 2, 2023

Asst. General Counsel Christina M. Lee
Texas Department of Public Safety
5805 N Lamar Blvd - Box 4087
Austin, TX 78773-0001
MediaAndCommunicationsOffice@dps.texas.gov

VIA E-Mail Only

Attorney General of Texas
Open Records Division
PO Box 12548
Austin, Texas 78711-2548

VIA E-Mail USPS

**RE: Public Information Request for any and all records
threat assessments, field reports, intelligence updates,
emails, and email attachments that mention sex work,
sex trafficking or sex trade between January 1, 2021 to
May 30, 2023 (PIR 23- 1607)**

Dear Public Officials:

I have the distinct privilege of representing Tara Burns, who made a May 26, 2023 request to the Texas Department of Public Safety under the Texas Public Information Act for “all threat assessments, field reports, intelligence updates, emails, and email attachments, between 1/1/2021 and the date the request is processed which mention the following terms or names, Prostitute, Escort, “Sex Work” or “Sex Worker,” “Sex trafficking” or “Sex Trafficker,” “Sex Buyer,” “Commercial Sex,” “Sex Trade,” or “Sex Industry.” She did not make any request for any information about terrorists or terrorism.

On June 13, 2023, Assistant General Counsel Christina M. Lee responded on behalf of the Department of Public Safety indicating the Department was referring the matter to the Attorney General’s

Office for a ruling regarding the release of the records. My client has not received any further communications.

We believe that none of the reasons for the Department's denial of the public records request are legally sound and reserve all rights to challenge those denials. However, there is one basis that is particularly confusing to my client and so I write specifically to inquire about that basis for denial.

Ms. Lee argues that the responsive material should be withheld under Texas Government Code § 552.101 because it might be deemed confidential under the Texas Homeland Security Act, § 418.177. Unless the Department is relying on absurdly broad definitions of "terrorism" or "related criminal activity" I simply cannot fathom how prostitution or even human trafficking would be ordinarily related to terrorism.

Please respond to this letter and explain why records about prostitution and human trafficking would be exempt under the Homeland Security Act. Specifically, I would like to know if the exemption relates to particular investigations where individuals were involved in both human trafficking and terrorism, or if it is the Department's position that human trafficking and prostitution are extrinsically linked to terrorism and thus the Department will withhold all records concerning prostitution and human trafficking or the investigation thereof.

I thank you in advance for your further explanation.

Very truly yours,



D. GILL SPERLEIN

cc: Terra Burns

