



February 25, 1999

Mr. Jonathan Kaplan
Assistant City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

OR99-0548

Dear Mr. Kaplan:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 123937.

The City of San Antonio (the "city") received a request for complaints and other information regarding River City Cabaret, Ltd. You advise that you have made available to the requestor "any documents that are routinely available." You seek to withhold "certain items of information" under section 552.108 of the Government Code.

Section 552.108 excepts from required public disclosure

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

(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; or

(3) it is information that:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state [and]

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution . . . if:

(1) release of the internal record or notation would interfere with law enforcement or prosecution;

(2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication; or

(3) the internal record or notation:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

In our opinion, you have failed to demonstrate how release of the information at issue would interfere with law enforcement or that the information would otherwise fall within the protection of section 552.108. Therefore, you may not withhold any information under section 552.108.

We note, however, that portions of the requested information must be withheld under section 552.130, which provides in relevant part:

(a) Information is excepted from [required public disclosure] if the information relates to:

(1) a motor vehicle operator's or driver's license or permit issued by an agency of this state; [or]

(2) a motor vehicle title or registration issued by an agency of this state[.]

The records at issue contain information made confidential under section 552.130. We have marked the kind of information you must withhold under section 552.130.

The records at issue also contain social security numbers. Any social security number obtained or maintained by any "authorized person" pursuant to any provision of law, enacted on or after October 1, 1990, is confidential. 42 U.S.C. § 405(c)(2)(C)(vii). Any such social security number is therefore excepted from required public disclosure by section 552.101 of the Government Code, which excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Open Records Decision No. 622 (1994). Prior to releasing a social security number, the city should ensure that the number was not obtained nor is maintained by the city pursuant to any provision of law, enacted on or after October 1, 1990.

Except as noted above, the city must release the requested information.¹ We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 123937

Enclosures: Submitted documents

cc: Ms. Jennifer S. Riggs
Riggs & Associates
602 Harthan Street, Suite A
Austin, Texas 78703
(w/o enclosures)

¹The records you submitted were partially redacted. Except as noted herein, you must release the requested records in their entirety.