



July 12, 2000

Ms. Tenley Aldredge
Assistant County Attorney
County Of Travis
P O Box 1748
Austin, Texas 78767

OR2000-2633

Dear Ms. Aldredge:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 137026.

Travis County (the "county") received a request for all crime statistics regarding Mary Quinlan Park for the past five years. You claim that the requested information is excepted from disclosure under sections 552.103 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.103(a) excepts from disclosure information relating to litigation to which a governmental body is or may be a party. The governmental body has the burden of providing relevant facts and documents to show that section 552.103(a) is applicable in a particular situation. In order to meet this burden, the governmental body must show that (1) litigation has been pending or reasonably anticipated since the date of receipt of the request, and (2) the information at issue is related to that litigation. *University of Tex. Law Sch. v. Texas Legal Found.*, 958 S.W.2d 479 (Tex. App.--Austin 1997, no pet.); *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex. App.--Houston [1st Dist.] 1984, writ ref'd n.r.e.); Open Records Decision No. 551 at 4 (1990); Gov't Code § 552.103. The governmental body must meet both prongs of this test for information to be excepted under section 552.103.

You explain that the county recently has been named as a third party defendant in litigation concerning real property located within Mary Quinlan Park. *Lake Austin Spa Ltd. v. Lake Austin Resort, Inc.*, No. 00-00446 (53rd Dist. Ct., Travis County, Tex.). You have enclosed for our review Plaintiff's Original Petition in that cause as well as a letter from an assistant county attorney which states that the county has been brought into the litigation as a third

party defendant. Accordingly, we find that the county has met the first prong of section 552.103 by showing that the county is a party to pending litigation.

We now examine whether the requested information is related to the pending litigation. “Ordinarily, the words ‘related to’ mean ‘pertaining to,’ ‘associated with’ or ‘connected with.’” *Texas Legal Found.*, 958 S.W.2d at 483. The pending litigation concerns the use rights regarding some portion of Quinlan Park Road. You have not shown how the requested criminal statistical information relates to this litigation. Moreover, the submitted documents do not indicate on their face how they relate to the litigation. Accordingly, we find that the county has failed to meet its burden in regard to this second prong, and therefore, the county may not withhold the submitted documents under section 552.103. *See id.*

However, we note that the submitted documents contain motor vehicle information. Section 552.130 of the Government Code prohibits the release of information that relates to a motor vehicle operator’s or driver’s license or permit issued by an agency of this state or a motor vehicle title or registration issued by an agency of this state. Therefore, under section 552.130, the county must withhold the Texas driver’s license numbers, Texas license plate numbers, and Texas vehicle identification numbers that appear in the documents. We note that the county, in indicating to this office the information that it believes is protected under section 552.130, has highlighted motor vehicle information such as vehicle models, makes, and model years. Please be advised that the county may not withhold such information under section 552.130. Section 552.130 requires the county to withhold the driver’s license numbers, license plate numbers, and vehicle identification numbers only. The county must release the remainder of the submitted information.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

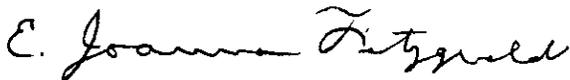
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov’t Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



E. Joanna Fitzgerald
Assistant Attorney General
Open Records Division

EJF/nc

Ref: ID# 137026

Encl. Submitted documents

cc: Mr. Bill Baker
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1900 Frost Bank Plaza, 816 Congress Avenue
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(w/o enclosures)