OFFICE OF THE ATTORNEY GENERAL · STATE OF TEXAS
JOHN CORNYN

July 14, 2000

Ms. Lisa M. Salinas
Custodian of Records
City of Baytown
3200 North Main Street
Baytown, Texas 77521

OR2000-2661

Dear Ms. Salinas:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 138596.

The City of Baytown (the "city") received a request for information regarding case number 2000-22592. You claim that the requested information is excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and have reviewed the submitted information.

Section 552.108(a)(1) 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[.]

You advise that the police report at issue relates to pending criminal prosecution. Based on your representation, and having reviewed the information at issue, we conclude that, except as noted below, you may withhold the report at issue under section 552.108(a)(1).

Please note that section 552.108 does not except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). The city must release these types of information in accordance with *Houston Chronicle*

Publishing Company v. City of Houston, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

You additionally assert that section 552.130 of the Government Code excepts from disclosure the vehicle license plate and identification numbers found in the police report. Section 552.130 governs the release and use of motor vehicle record information, providing, in pertinent 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;
> >
> > (2) a motor vehicle title or registration issued by an agency of this state; or
> >
> > (3) a personal identification document issued by an agency of this state or a local agency authorized to issue an identification document.

We agree that you must withhold from disclosure under section 552.130 the Texas driver's license number contained in the submitted information. However, the remaining driver's license, license plate, and vehicle identification numbers were issued by either Louisiana or Iowa, not by an agency of this state. *See* Gov't Code § 552.130. Consequently, you may not withhold from disclosure under section 552.130 the out-of-state vehicle information. You must release this information to the requestor.

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,

Carla Gay Dickson
Assistant Attorney General
Open Records Division

CGD/ljp

Ref: ID# 138596

Encl. Submitted documents

cc: Mr. Johnnie R. Whaley
6611 Brownie Campbell
Houston, Texas 77086
(w/o enclosures)