



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 15, 2008

Ms. Carol Longoria  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701-2902

OR2008-09569

Dear Ms. Longoria:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 315881.

The University of Texas Southwestern Medical Center at Dallas (the "university") received a request for a specified incident report. You claim that portions of the submitted information are excepted from disclosure under sections 552.101, 552.108, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the information you have submitted.

Section 552.108 provides in relevant part as follows:

(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 is excepted . . . if:

...

(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[.]

Gov't Code § 552.108(b)(2). A governmental body claiming section 552.108(b)(2) must demonstrate that the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.*

§ 552.301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex.1977). You state that the information you have marked relates a closed case that did not result in conviction or deferred adjudication. Based on your representations, we conclude that section 552.108(b)(2) is applicable to the information you have marked. Therefore, the university may withhold the information you have marked under section 552.108(b)(2).<sup>1</sup>

Portions of the remaining information are excepted under section 552.130 of the Government Code, which provides that information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by a Texas agency is excepted from public release. Gov't Code § 552.130(a)(1), (2). The university must generally withhold the Texas motor vehicle record information we have marked under section 552.130. We note, however, that section 552.130 protects privacy interests. Thus, a person has a right of access to her own Texas motor vehicle information under section 552.023 of the Government Code. *See id.* § 552.023(a) ("a person or a person's authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person's privacy interests."); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individuals request information concerning themselves). You state that the university tried to confirm the requestor's right of access to the information at issue, but has been unable to do so. *See* Gov't Code § 552.222(c) (governmental body may require requestor to provide identifying information sufficient to determine whether requestor is eligible to receive motor vehicle record information under chapter 730 of the Transportation Code). Therefore, if the university confirms the requestor's right of access to the information at issue, the university may not withhold the Texas motor vehicle record information we have marked under section 552.130. If the university is not able to confirm the requestor's right of access to the information at issue, then the university must withhold the Texas motor vehicle record information we have marked under section 552.130.

In summary, the university may withhold the information it has marked under section 552.108(b)(2). If the university is unable to confirm the requestor's right of access to the Texas motor vehicle record information we have marked, then the university must withhold this information under section 552.130. The remaining information must be released.

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

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<sup>1</sup>As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information.

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 file suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such a challenge, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3). If the governmental body does not file suit over 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).

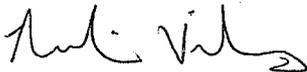
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, 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 challenge that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Office of the Attorney General at (512) 475-2497.

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,



Melanie J. Villars  
Assistant Attorney General  
Open Records Division

MJV/jh

Ref: ID# 315881

Enc. Submitted documents

c: Ms. Jeri Lynne Davis  
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Dallas, Texas 75227  
(w/o enclosures)