



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 17, 2009

Ms. LeAnn M. Quinn, TRMC
City Secretary
City of Cedar Park
600 North Bell Boulevard
Cedar Park, Texas 78613

OR2009-03498

Dear Ms. Quinn:

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# 337381.

The City of Cedar Park (the "city") received a request for two specified arrest reports. You state that you will release portions of the requested information. You claim that the remaining information is excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the submitted information contains court-filed documents that are subject to section 552.022 of the Government Code. Section 552.022 provides that information filed with a court is generally a matter of public record that cannot be withheld from disclosure. Gov't Code § 552.022(a)(17); *Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54 (Tex. 1992). Therefore, under section 552.022, the court-filed documents must be released to the requestor, unless they are confidential under other law. Although you assert this information is excepted under section 552.108 of the Government Code, this section is a discretionary exception within the Act and not "other law" that makes information confidential. *See Open Records Decision Nos. 177 (1977) (governmental body may waive statutory predecessor to section 552.108); 665 at 2 n. 5 (2000) (discretionary exceptions generally)*. Therefore, the court-filed documents, which we have marked, may not be withheld under section 552.108.

We will now address your arguments regarding the information not subject to section 552.022. You claim the information in Exhibit "C" is excepted from disclosure under section 552.108(a)(2) of the Government Code. Section 552.108(a)(2) excepts from

disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(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) (governmental body must provide comments explaining why exceptions raised should apply to information requested). You state that the information in Exhibit "C" relates to criminal investigations conducted by the Cedar Park Police Department that were dismissed and therefore did not result in conviction or deferred adjudication. Based on your representation, we conclude that section 552.108(a)(2) is applicable to the information in Exhibit "C".

However, section 552.108 of the Government Code does not except from disclosure basic information about an arrested person, an arrest, or a crime. *Id.* § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle Publishing Co. 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); Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). You state that you will release the information in Exhibit "B", which you claim is the basic information of the requested reports. Upon review, we find that the information in Exhibit "B" constitutes basic information for purposes of section 552.108. Therefore, the city may withhold the remaining information in Exhibit "C" under section 552.108(a)(2).

You claim that portions of the remaining information are excepted from disclosure under section 552.130 of the Government Code. This section excepts from disclosure information relating to a Texas motor vehicle driver's license. Gov't Code § 552.130. We have marked the information in Exhibit "B" that the city must withhold under section 552.130 of the Government Code.¹

In summary, (1) the city must release the court-filed documents we have marked under section 552.022(a)(17) of the Government Code; (2) the city may withhold the remaining information in Exhibit "C" under section 552.108(a)(2) of the Government Code; and (3) the city must withhold the information we have marked in Exhibit "B" under section 552.130 of the Government Code. The remaining information must be released to the requestor.²

¹As our ruling is dispositive, we need not address your remaining argument against disclosure.

²We note the information being released includes the requestor's Texas driver's license number, licence plate number, vehicle identification number, and social security number. Ordinarily, this information would be withheld under sections 552.130 and 552.147 of the Government Code. However, because this information belongs to the requestor, it may not be withheld in this instance. *See* Gov't Code § 552.023(a) (person or person's authorized representative has special right of access, beyond right of general public, to information held by governmental body that relates to person and is protected from public disclosure by laws intended to protect person's privacy interests); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual asks governmental body to provide him with information concerning himself). If the city receives another request for this particular information from a different requestor, then the sheriff should again seek a decision from this office.

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Christopher D. Sterner
Assistant Attorney General
Open Records Division

CDSA/eb

Ref: ID# 337381

Enc. Submitted documents

c: Requestor
(w/o enclosures)