



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 16, 2009

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

OR2009-05021

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# 340138.

The Cedar Park Police Department (the "department") received a request for a specified incident report and information pertaining to a specified incident. You state the department will release some of the requested information. You claim that portions of the submitted information are excepted from disclosure under sections 552.108, 552.130, and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You assert Exhibit C is excepted from disclosure pursuant to section 552.108(a)(2) of the Government Code. Section 552.108(a)(2) excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if 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[.]" Gov't Code § 552.108(a)(2). Section 552.108(a)(2) is applicable only if the information at issue relates to a concluded criminal case that did not result in a conviction or a deferred adjudication. A governmental body that claims an exception to disclosure under section 552.108 must reasonably explain how and why this exception is applicable to the information that the governmental body seeks to withhold. *See id.* § 552.301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You inform us that the

submitted information is related to a closed criminal investigation that did not result in conviction or deferred adjudication. Based on your representation and our review of the submitted information, we conclude that section 552.108(a)(2) is applicable to Exhibit C.

We note that section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle Publ'g 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). See Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). Basic information includes a “detailed description of the offense.” See *Houston Chronicle*, 531 S.W.2d 177 at 187; ORD 127. You seek to withhold the entire narrative portion of the submitted incident report under section 552.108. The remaining portions of the incident report do not contain information sufficient to satisfy the requirement that a “detailed description of the offense” be released. Accordingly, we determine that the department must release a sufficient portion of the narrative section of the incident report to encompass a detailed description of the offense, to satisfy the required release of basic information pursuant to *Houston Chronicle*. The department may withhold the remaining information submitted as Exhibit C under section 552.108(a)(2) of the Government Code.

You seek to withhold the information you have marked in Exhibit B pursuant to section 552.130 of the Government Code. Section 552.130 excepts from disclosure “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.” Gov't Code § 552.130(a)(1), (2). Accordingly, the department must withhold the Texas motor vehicle record information you have marked, as well as the information we have marked, in Exhibit B pursuant to section 552.130 of the Government Code.

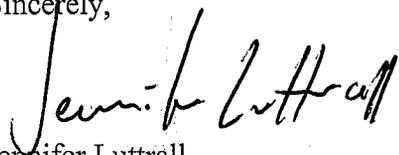
Finally, you contend that submitted information contains social security numbers subject to section 552.147 of the Government Code. Section 552.147 provides that “[t]he social security number of a living person is excepted from” required public disclosure under the Act. *Id.* § 552.147. We note that while your brief asserts that the submitted information includes social security numbers, we are unable to identify this information within the submitted documents. Thus, the department may not withhold any of the submitted information under section 552.147.

In summary, with the exception of basic information, which must include a detailed description of the offense, the department may withhold Exhibit C pursuant to section 552.108(a)(2) of the Government Code. The department must withhold the information you have marked, as well as the information we have marked, in Exhibit B pursuant to section 552.130 of the Government Code. The remaining information must be released.

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,



Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/eeg

Ref: ID# 340138

Enc. Submitted documents

c: Requestor
(w/o enclosures)