



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 16, 2009

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

OR2009-05037

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# 344878 (Reference No. 09-091).

The City of Cedar Park (the "city") received a request for information relating to a specified case number. You state that social security numbers will be withheld pursuant to section 552.147 of the Government Code.<sup>1</sup> You claim that some of the remaining 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 reviewed the information you submitted.

Section 552.108 of the Government Code 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). A governmental body must reasonably explain how and why section 552.108 is applicable to the information at issue. *See id.* § 552.301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state that the information submitted as Exhibit C is related to a criminal investigation that concluded in

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<sup>1</sup>Section 552.147(b) authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act.

a result other than a conviction or a deferred adjudication. Based on your representation, we conclude that section 552.108(a)(2) is generally applicable to Exhibits C and D.

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). Section 552.108(c) refers to the basic front-page 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). Basic information includes a detailed description of the offense. *See* 531 S.W.2d at 186-88; Open Records Decision No. 127 at 3-4 (1976) (summarizing types of information deemed public by *Houston Chronicle*). The city must release a detailed description of the offense from Exhibit C as basic information. The city may withhold the rest of the information in Exhibit C under section 552.108(a)(2).

Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle operator's or driver's license or permit issued by an agency of this state. *See* Gov't Code § 552.130(a)(1). You have marked Texas driver's license information in Exhibit B that the city seeks to withhold under this exception. We note that section 552.130 protects personal privacy. Therefore, the requestor has a special right of access to her own Texas driver's license information under section 552.023 of the Government Code, and that information may not be withheld from this requestor under section 552.130. *See id.* § 552.023(a); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning herself).<sup>2</sup> We agree that the city must withhold the rest of the marked Texas driver's license information in Exhibit B under section 552.130.

In summary: (1) except for a detailed description of the offense, which must be released as basic information, the city may withhold Exhibit C under section 552.108(a)(2) of the Government Code; and (2) the requestor has a right of access to her own Texas driver's license information, but the city must withhold the rest of the marked Texas driver's license information in Exhibit B under section 552.130 of the Government Code.<sup>3</sup> The rest of the submitted information must be released, unless the city has already done so.

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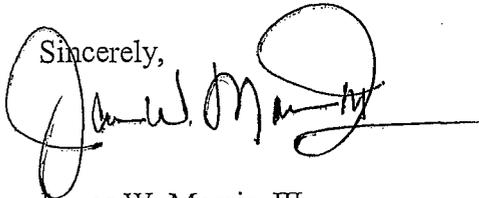
<sup>2</sup>Section 552.023(a) provides that "[a] person or a person's authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person's privacy interests." Gov't Code § 552.023(a).

<sup>3</sup>Should the city receive another request for these same records from a person who would not have a right of access to this requestor's private information, the city should resubmit these records and request another ruling. *See* Gov't Code §§ 552.301(a), .302.

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](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,

A handwritten signature in black ink, appearing to read "James W. Morris, III", with a horizontal line extending to the right.

James W. Morris, III  
Assistant Attorney General  
Open Records Division

JWM/cc

Ref: ID# 344878

Enc: Submitted documents

c: Requestor  
(w/o enclosures)