



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 15, 2009

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

OR2009-06651

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# 344509.

The City of Cedar Park (the "city") received a request for all documentation on file regarding a specified incident report. You claim that the submitted information is 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.

Section 552.108 of the Government Code provides in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure] if:

(2) it is information that the 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) protects information that relates to a concluded criminal investigation or prosecution that did not result in conviction or 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 assert that Exhibit C pertains to a case that concluded in a result other than conviction or deferred adjudication. Therefore, we agree that section 552.108(a)(2) is applicable to Exhibit C.

We note, and you acknowledge, 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). Section 552.108(c) refers to the basic front-page information held to be public in *Houston Chronicle*. *See* 531 S.W.2d at 186-7. We note that you have marked the entire narrative portion of the submitted report as information you seek to withhold under section 552.108. However, the remaining portion of the report does not contain information sufficient to satisfy the requirement that a “detailed description of the offense” be released. Therefore, we determine that the city must release a sufficient portion of the narrative section of the submitted report to encompass a detailed description of the offense. Accordingly, with the exception of a detailed description of the offense, the city may withhold Exhibit C under section 552.108(a)(2) of the Government Code.

You claim that the information you have marked in Exhibit B is excepted from disclosure by sections 552.130 and 552.147 of the Government Code. Section 552.130 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). 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(a). We note, however, that sections 552.130 and 552.147 protect personal privacy. In this instance a portion of the information you have marked belongs to the requestor. As such, the requestor has a right of access to his driver’s license information and social security number 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 No. 481 at 4 (1987) (privacy theories not implicated when individual or authorized representative asks governmental body to provide information concerning that individual.) Therefore, the requestor’s drivers license information and social security number may not be withheld in this instance.¹ Accordingly, the city must withhold only the Texas motor vehicle record information we have marked pursuant to section

¹We note that if the city receives another request for this information from a person who would not have a special right of access to this information, the city should resubmit this same information and request another decision from this office. *See* Gov’t Code §§ 552.301(a), .302; Open Records Decision No. 673 (2001).

552.130, and may withhold only the social security number we have marked pursuant to section 552.147 of the Government Code.²

In summary, with the exception of a detailed description of the offense, the city may withhold Exhibit C under section 552.108(a)(2) of the Government Code. The city must withhold the Texas motor vehicle record information that we have marked in Exhibit B pursuant to section 552.130 of the Government Code. Finally, the city may withhold the social security number in Exhibit B we have marked pursuant to section 552.147 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,



Travis Tidmore
Assistant Attorney General
Open Records Division

TT/sdk

Ref: ID# 344509

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²We note that section 552.147(b) of the Government Code 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.