



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 26, 2009

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

OR2009-07048

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# 348792 (Cedar Park Reference Number 09-130).

The City of Cedar Park (the "city") received a request for call sheets and incident reports related to a particular address and for a specified time period. You state the city will release some information to the requestor. You claim 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(a)(2) of the Government Code 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. In this instance, you state Exhibits C and E pertain to concluded criminal investigations that did not result in convictions or deferred adjudications. Based on this representation, we conclude section 552.108(a)(2) is applicable to Exhibits C and E and they may be withheld on this basis.<sup>1</sup>

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

We next address your argument under section 552.130 of the Government Code for the remaining information. 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. *See* Gov't Code § 552.130(a)(1). Because this exception protects personal privacy, the requestor has a right of access to her own Texas driver's license information under section 552.023 of the Government Code. *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> Therefore, the requestor's driver's license information may not be withheld under section 552.130 and must be released. However, the remaining Texas motor vehicle record information you have marked in Exhibits B and D must be withheld under section 552.130.

Finally, you raise section 552.147 of the Government Code, which provides that "[t]he social security number of a living person is excepted from" required public disclosure under the Act. We note, however, that section 552.147 also protects personal privacy. Therefore, the requestor has a right of access to her own social security number pursuant to section 552.023. *See* Gov't Code § 552.023. However, the city may withhold the remaining social security numbers you have marked in Exhibits B and D under section 552.147.

In summary, the city may withhold Exhibits C and E under section 552.108(a)(2) of the Government Code. With the exception of the requestor's Texas driver's license information, the city must withhold the information you have marked under section 552.130 of the Government Code. With the exception of the requestor's social security number, the city may withhold the information you have marked under section 552.147 of the Government Code. The remaining information in Exhibits B and D must be released.<sup>3</sup>

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

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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>Because the information being released may be confidential with respect to the general public, if the city receives another request for this information from an individual other than this requestor, the city should again seek our decision.

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 that reads "Jordan Hale". The signature is written in a cursive style with a large initial "J".

Jordan Hale  
Assistant Attorney General  
Open Records Division

JH/jb

Ref: ID# 348792

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)