



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 26, 2009

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

OR2009-08826

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# 347313 (Reference Number 09-110).

The City of Cedar Park (the "city") received a request for the page in case number 0804-0079 containing a specific statement. You state that the city is releasing basic information. You claim that the submitted 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.

Section 552.108(a)(2) 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). 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 state that the submitted report relates to a criminal investigation that "ended in a result other than a conviction or deferred adjudication." However, you also refer us to an e-mail that lists the status of the case as "still inactive" but "not closed." Because you have provided this office with conflicting representations, we find that you have failed to demonstrate the applicability of section 552.108(a)(2) to the submitted information, and it may not be withheld on this basis.

Next, you have marked a portion of the submitted information under section 552.130 of the Government Code. Section 552.130 excepts from disclosure information that relates to a

Texas motor vehicle operator's or driver's license or permit or a motor vehicle title or registration issued by an agency of this state. *See* Gov't Code § 552.130(a)(1), (2). We note, however, that this exception protects personal privacy. *See id.* In this instance, the submitted documents reflect that the requestor is the individual whose motor vehicle information is marked. Therefore, because the requestor has a right of access under section 552.023 of the Government Code to his own Texas motor vehicle information, this information may not be withheld from the requestor under section 552.130 of the Government Code. *See id.* § 552.023; Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning self). As you raise no other exceptions against disclosure, the submitted information must be released.¹

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,



Sarah Casterline
Assistant Attorney General
Open Records Division

SEC/rl

Ref: ID# 347313

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹Because some of 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.