



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

October 7, 2009

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

OR2009-14158

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# 362136 (Reference No. 09-359).

The Cedar Park Police Department (the "department") received a request for information relating to seven specified case and call numbers. You state that some of the requested information will be released. You claim that other responsive 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 information you submitted.

Section 552.108(a)(1) 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 . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]" Gov't Code § 552.108(a)(1). 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 Exhibits C and D is related to pending investigations.

Based on your representation, we conclude that section 552.108(a)(1) is applicable to Exhibits C and D. *See 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) (court delineates law enforcement interests that are present in active cases).

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). You state that the information submitted as Exhibit E is related to a concluded case that did not result in a conviction or a deferred adjudication. Based on your representation, we conclude that section 552.108(a)(2) is applicable to Exhibit E.

We note that section 552.108 does not except from disclosure “basic information about an arrested person, an arrest, or a crime.” *Id.* § 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 186-88; Open Records Decision No. 127 at 3-4 (1976) (summarizing types of information deemed public by *Houston Chronicle*). You indicate that basic information will be released. We therefore conclude that the department may withhold Exhibits C, D, and E under section 552.108.

You also claim section 552.130 of the Government Code for the Texas driver’s license numbers you have marked in Exhibit B. Section 552.130 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). We note that this exception protects personal privacy. Therefore, this requestor has a right of access under section 552.023 of the Government Code to her client’s Texas driver’s license number. See Gov’t Code § 552.023(a); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning herself).¹ Thus, that information, which we have marked, may not be withheld under section 552.130 and must be released. We agree that the department must withhold the other Texas driver’s license number you have marked under section 552.130.

Lastly, you claim section 552.147 of the Government Code for the social security numbers you have marked in Exhibit B. Section 552.147 provides that “[t]he social security number of a living person is excepted from” required public disclosure under the Act.² Gov’t Code § 552.147(a). The requestor also has a right to her client’s social security number. See *generally id.* § 552.023(b) (governmental body may not deny access to person to whom information relates, or that person's representative, solely on grounds that information is

¹Section 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).

²We note that 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.

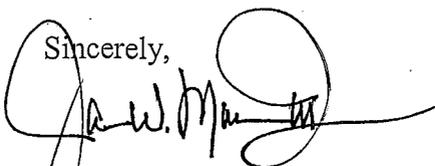
considered confidential by privacy principles). Thus, that information, which we have marked, must also be released. The department may withhold the other social security number you have marked under section 552.147.

In summary: (1) the department may withhold Exhibits C, D, and E under section 552.108 of the Government Code; (2) the department must release the requestor's client's Texas driver's license number, but must withhold the other Texas driver's license number you have marked under section 552.130 of the Government Code; and (3) the department must release the requestor's client's social security number, but may withhold the other social security number you have marked under section 552.147 of the Government Code. The department must release the rest of the information in Exhibit B unless it has already done so.³

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, toll free, at (888) 672-6787.

Sincerely,



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

JWM/cc

Ref: ID# 362136

Enc: Submitted documents

c: Requestor
(w/o enclosures)

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