



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

November 23, 2009

Mr. Mark G. Mann  
Assistant City Attorney  
City of Garland  
P.O. Box 469002  
Garland, Texas 75046-9002

OR2009-16687

Dear Mr. Mann:

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# 367014 (GCA # 09-0819).

The Garland Police Department (the "department") received a request for information pertaining to a named individual. You state you have released some of the requested information. You claim some of the submitted information is excepted from disclosure under sections 552.108, 552.1175, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You claim that the information that you have marked in red is excepted from disclosure under section 552.108 of the Government Code. Section 552.108(a)(1) 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). Generally, a governmental body claiming section 552.108(a)(1) must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You inform us that the submitted report relates to a pending criminal investigation. Based upon your representation and our review, we find that section 552.108(a)(1) is applicable to the information you have marked in red. *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.*, 536 S.W.2d 559 (Tex. 1976) (per curiam) (court delineates law enforcement interests that are present in active cases). The department may, therefore,

withhold the information you marked in red pursuant to section 552.108(a)(1) of the Government Code.<sup>1</sup>

You seek to withhold from disclosure some of the remaining information pursuant to section 552.130 of the Government Code. Section 552.130 excepts from disclosure information relating to a Texas motor vehicle driver's license, a Texas motor vehicle title or registration, and a Texas personal identification document. *See* Gov't Code § 552.130(a)(1)-(3). We note that section 552.130 protects personal privacy. Accordingly, the requestor has a right of access to her client's Texas motor vehicle record information under section 552.023 of the Government Code and it may not be withheld from her based on section 552.130. *See id.* § 552.023(a); Open Records Decision No. 481 at 4 (1987). Accordingly, the department may not withhold the information you have marked in green under section 552.130.

In summary, the department may withhold the information you have marked in red under section 552.108. The remaining information must be released.<sup>2</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 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,



Paige Lay  
Assistant Attorney General  
Open Records Division

PL/dls

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

<sup>2</sup>The requestor has a special right of access to some of the information being released in this instance. Because such information may be confidential with respect to the general public, if the department receives another request for this information from a different requestor, the department must again seek a ruling from this office.

Ref: ID# 367014

Enc. Submitted documents

c: Requestor  
(w/o enclosures)