



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 16, 2009

Ms. Debra G. Rosenberg  
Atlas & Hall, L.L.P.  
Attorney for McAllen Independent School District  
P.O. Box 3725  
McAllen, Texas 78501

OR2009-17823

Dear Ms. Rosenberg:

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# 364461.

The McAllen Independent School District (the "district"), which you represent, received a request for (1) any and all records pertaining to the requestor's son, including student academic records for a particular time period and specified incident reports; and (2) complaints made against certain security personnel. You claim that portions of the submitted information are 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.

Initially, we note you have not submitted information responsive to the requested student academic records or complaints. To the extent this information existed at the time the district received the instant request for information, we assume that you have released it to the requestor. If such information has not been released, then you must release it at this time. See Gov't Code §§ 552.301, .302.

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[.]” *Id.* § 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 the governmental body seeks to withhold. *See id.* § 552.301(e)(1)(A). You state that the submitted reports pertain to investigations by the district’s police department that did not conclude in a conviction or deferred adjudication. Therefore, the district may generally withhold the information you have marked under section 552.108(a)(2).

We note, however, 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 Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. App.—Houston [14th Dist.] 1975), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). We note that you have marked the entire narrative portions of the submitted reports as information you seek to withhold under section 552.108. However, the remaining portions of the reports do not contain information sufficient to satisfy the requirement that a “detailed description of the offense” be released. Therefore, we determine that the district must release a sufficient portion of the narrative sections of the submitted reports to encompass a detailed description of the offense. Accordingly, with the exception of a detailed description of the offenses, the district may withhold the information you have marked under section 552.108(a)(2) of the Government Code.

Section 552.130 of the Government Code 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[.]” Gov’t Code § 552.130(a)(1). Accordingly, the district must withhold the Texas driver’s license number we have marked under section 552.130.<sup>1</sup>

You raise section 552.147 of the Government Code for portions of the remaining information. Section 552.147 provides that “[t]he social security number of a living person is excepted from” required public disclosure under the Act.<sup>2</sup> *Id.* § 552.147(a). We note that the requestor, as the parent of the a child whose social security number is at issue, has a special right of access under section 552.023 of the Government Code to the child’s social security number. *See id.* § 552.023 (person or the parent of minor has a special right of access to information that is excepted from public disclosure under laws intended to protect

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<sup>1</sup>We note this office recently issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including a Texas license plate number under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

<sup>2</sup>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.

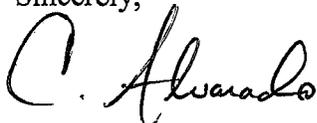
that person's or that person's child's privacy interest). Accordingly, the district may not withhold the child's social security number under section 552.147. However, the district may withhold the social security number that does not pertain to the requestor's child under section 552.147 of the Government Code.

In summary, with the exception of a detailed narrative of the offenses, the district may withhold the information you have marked under section 552.108(a)(2) of the Government Code. The district must withhold the Texas driver's license number we have marked under section 552.130 of the Government Code. The district may withhold the social security number that does not pertain to the requestor's child under 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](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,



Christina Alvarado  
Assistant Attorney General  
Open Records Division

CA/rl

Ref: ID# 364461

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)