



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 14, 2010

Ms. Jennifer C. Cohen
Assistant General Counsel
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR2010-00768

Dear Ms. Cohen:

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# 367170 (ORA # 09-2129).

The Texas Department of Public Safety (the "department") received a request for a list or report of requests by Texas law enforcement agencies for information relating to a particular Texas license plate number during a specified time interval. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the information you submitted.

Section 552.108(b)(1) of the Government Code excepts from disclosure "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution . . . if . . . release of the internal record or notation would interfere with law enforcement or prosecution[.]" Gov't Code § 552.108(b)(1); *see also* Open Records Decision No. 531 at 2 (1989). Section 552.108(b)(1) is intended to protect "information which, if released, would permit private citizens to anticipate weaknesses in a police department, avoid detection, jeopardize officer safety, and generally undermine police efforts to effectuate the laws of this State." *City of Ft. Worth v. Cornyn*, 86 S.W.3d 320 (Tex. App.—Austin 2002, no pet.).

To demonstrate the applicability of section 552.108(b)(1), a governmental body must explain how and why release of the requested information would interfere with law enforcement and

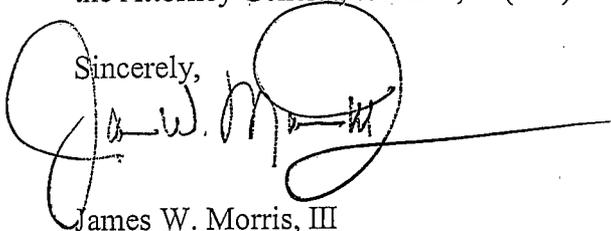
crime prevention. *See* Open Records Decision No. 562 at 10 (1990). This office has concluded that section 552.108(b)(1) excepts from disclosure information relating to the security or operation of a law enforcement agency. *See, e.g.*, Open Records Decision Nos. 531 (release of detailed use of force guidelines would unduly interfere with law enforcement), 456 (1987) (release of forms containing information regarding location of off-duty police officers in advance would unduly interfere with law enforcement), 252 (1980) (section 552.108 is designed to protect investigative techniques and procedures used in law enforcement), 143 (1976) (disclosure of specific operations or specialized equipment directly related to investigation or detection of crime may be excepted). The statutory predecessor to section 552.108(b)(1) was not applicable, however, to generally known policies and procedures. *See, e.g.*, ORD 531 (Penal Code provisions, common law rules, and constitutional limitations on use of force not protected), 252 at 3 (governmental body failed to indicate why investigative procedures and techniques requested were any different from those commonly known).

You explain that record checks on license plate numbers are made via the Texas Law Enforcement Telecommunications System ("TLETS") and that the department, as the agency responsible for maintaining TLETS, maintains logs of each inquiry made by other law enforcement agencies via this system. You state that the submitted information is a log of such inquiries. You explain that the department creates and maintains such TLETS logs for the purposes of monitoring the use of the TLETS system and assuring that unauthorized individuals do not have access to confidential information available through TLETS, such as criminal histories, driver's license numbers, and license plate numbers. You contend that the release of such internal information regarding inquiries will unduly complicate the law enforcement efforts of the department and of other Texas law enforcement agencies that utilize the TLETS system by unnecessarily exposing the investigative techniques and procedures of the department and other such agencies. Based on your representations, we find that the department has demonstrated that the release of the information at issue would interfere with law enforcement and crime prevention. We therefore conclude that the department may withhold the submitted information under section 552.108(b)(1) of the Government Code.

You also ask this office to issue a decision that authorizes the department to withhold the type of information at issue here under section 552.108(b)(1) of the Government Code without the necessity of requesting a ruling by this office under the Act. Having considered your request, we have determined that it should be granted. Therefore, this letter ruling will serve as a previous determination under section 552.301(a) of the Government Code that the department may withhold logs of TLETS inquiries regarding license plate numbers under section 552.108(b)(1) of the Government Code. The department may consider this ruling a previous determination for such information for as long as the elements of law, fact, and circumstances on which this ruling is based do not change, so as to no longer support our conclusion. *See* Gov't Code § 552.301(a), (f); Open Records Decision No. 673 at 7-8 (2001) (listing elements of second type of previous determination).

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,

A handwritten signature in black ink, appearing to read "J.W. Morris, III", with a long horizontal line extending to the right.

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

JWM/cc

Ref: ID# 367170

Enc: Submitted documents

c: Requestor
(w/o enclosures)