



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 16, 2010

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

OR2010-02313

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# 374408 (Reference No. 10-172).

The City of Cedar Park (the "city") received a request for police records relating to a specified call number. You state that social security numbers will be withheld pursuant to section 552.147 of the Government Code.¹ You claim that some of the remaining requested 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 information you submitted.

We first note that the city does not claim an exception to disclosure for the telephone numbers you have marked in the documents submitted as Exhibit B. Therefore, the marked telephone numbers must be released. *See* Gov't Code §§ 552.006, .021, .301, .302.

Section 552.108 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,

¹We note that 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.

investigation, or prosecution of crime[.]” *Id.* § 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 inform us, and have provided documentation from the city police department stating, that the information marked as Exhibit C is related to a pending criminal case. Based on your representation and documentation, we conclude that section 552.108(a)(1) is generally applicable to Exhibit C. *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).

We note, however, that the information at issue includes a citation, which we have marked. Because a copy of a citation is provided to an individual who is cited, we find that release of the marked citation will not interfere with the detection, investigation, or prosecution of crime. *See Gov’t Code* § 552.108(a)(1). We therefore conclude that the marked citation in Exhibit C may not be withheld under section 552.108(a)(1).

We also 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*). Except for any basic information that must be released under section 552.108(c) and the marked citation, the city may withhold the information in Exhibit C under section 552.108(a)(1).

Section 552.130 of the Government Code excepts from disclosure information relating to a 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). The city must withhold the Texas motor vehicle information we have marked in the citation in Exhibit C, as well as the Texas driver’s license and motor vehicle information you have marked in the citation and in Exhibit B, under section 552.130.²

In summary: (1) except for the marked citation in Exhibit C and any basic information that must be released under section 552.108(c), the city may withhold Exhibit C under section 552.108(a)(1) of the Government Code; and (2) the city must withhold the Texas motor vehicle information we have marked in the citation, as well as the Texas driver’s license and motor vehicle information you have marked in the citation and in Exhibit B, under section 552.130 of the Government Code. The rest of the submitted information,

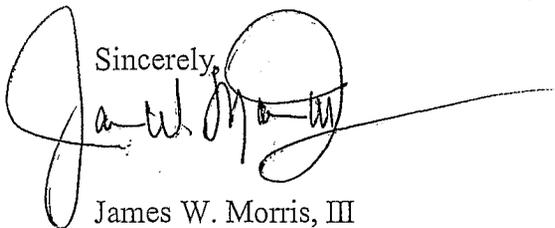
²We note that this office recently issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including a Texas driver’s license number and a Texas license plate number under section 552.130, without the necessity of requesting an attorney general decision.

including the remaining information in the marked citation and the marked telephone numbers in Exhibit B, 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, 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 "James W. Morris, III". The signature is written in a cursive style with a long horizontal line extending to the right.

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

JWM/cc

Ref: ID# 374408

Enc: Submitted documents

c: Requestor
(w/o enclosures)