



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 17, 2010

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

OR2010-02390

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# 374962.

The City of Cedar Park (the "city") received a request for information pertaining to a specified incident. You state you will release some of the requested information. You claim the submitted 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 submitted information.

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). 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 provide documentation showing, that the submitted police report relates to a pending prosecution. Based on your representation and our review, we conclude that release of the information in Exhibit C would interfere with the detection, investigation, or prosecution of a crime. *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 per curiam, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases).

Therefore, section 552.108(a)(1) of the Government Code is generally applicable to the information in Exhibit C.

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

We also note 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 state you will release Exhibit B as basic information. We note that you seek to withhold the entire narrative page in Exhibit C under section 552.108. However, the information in Exhibit B does not contain information sufficient to satisfy the requirement that a "detailed description of the offense" be released as basic information. *Id.* Accordingly, we determine that the city must release a sufficient portion of the narrative page to encompass a detailed description of the offense to satisfy the required release of basic information pursuant to *Houston Chronicle*. With the exception of the citations and basic information, the city may withhold the remaining information in Exhibit C under section 552.108(a)(1) of the Government Code.

We note the citations and Exhibit B contain information subject to section 552.130, which provides that information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by a Texas agency is excepted from public release. Gov't Code § 552.130(a)(1), (2). The city must withhold the marked Texas motor vehicle record information in one of the citations and Exhibit B pursuant to section 552.130 of the Government Code.

Section 552.147 of the Government Code provides that "[t]he social security number of a living person is excepted from" required public disclosure under the Act. *Id.* § 552.147. The city may withhold the social security number you have marked in the remaining information.

In summary, with the exception of basic information and the citations, the city may withhold Exhibit C under section 552.108(a)(1) of the Government Code. The city must withhold the marked Texas motor vehicle record information in the remaining information under section 552.130 of the Government Code. The city may withhold the social security number

you have marked in the remaining information under section 552.147 of the Government Code. The remaining information must be released.¹

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,



Paige Lay
Assistant Attorney General
Open Records Division

PL/eeg

Ref: ID# 374962

Enc. Submitted documents

cc: Requestor
(w/o enclosures)

¹We note that this requestor has a special right of access to some of the information being released that would otherwise be confidential with regard to the general public. See Gov't Code § 552.023(a). We further 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 Texas license plate number under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision. Accordingly, if the department receives another request for this information from an individual other than one with a right of access under section 552.023, the department is authorized to withhold the requestor's Texas driver's license number at issue under section 552.130 without the necessity of requesting an attorney general decision.