



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 11, 2010

Ms, Michelle L. Villarreal
Assistant City Attorney
City of Waco - Legal Services
P.O. Box 2570
Waco, Texas 76702-2570

OR2010-03545

Dear Ms. Villarreal:

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# 377046 (Waco Reference # LGL-10-134).

The City of Waco (the "city") received a request for information pertaining to a specified incident. You state the city has released some of the requested information to the requestor. 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.

You state you have redacted the Texas driver's license number you have highlighted pursuant to Open Records Decision No. 684 (2009) and section 552.130 of the Government Code. Section 552.130 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. This office recently issued Open Records Decision No. 684, a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including Texas driver's license numbers under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision. *See* ORD 684. However, in this instance, the requestor has a right of access to her own driver's license number under section 552.023 and it may not be withheld from her under section 552.130 and pursuant to Open Records Decision No. 684. *See* Gov't Code § 552.023(b) (governmental body may not deny access to person to whom information relates

or person's agent on grounds that information is considered confidential by privacy principles); Open Records Decision Nos. 684 at 12, 481 at 4 (1987) (privacy theories not implicated when individuals request information concerning themselves). Accordingly, the city must release the requestor's Texas driver's license number to her.

You also state you are redacting the social security numbers you have highlighted under section 552.147 of the Government Code. 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. Gov't Code § 552.147. However, the requestor has a right of access to her own social security number and it must be released to her. *See generally id.* § 552.023(b). The city may withhold the remaining social security number you have highlighted under section 552.147 of the Government Code.

Next, you claim the remaining information you have highlighted is excepted 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). A governmental body claiming section 552.108 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 state, and provide a memorandum from the city's police department confirming, that the information you have highlighted relates to a pending criminal prosecution. Based on your representation, the submitted memorandum, and our review, we conclude that the release of the information at issue would interfere with the detection, investigation, or prosecution of 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 n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases). Thus, section 552.108(a)(1) is generally applicable to the information you have highlighted.

As you acknowledge, 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). Such basic information refers to the information held to be public in *Houston Chronicle*, and includes among other things, a detailed description of the offense. *See* 531 S.W.2d at 186-87; Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). We note that you have highlighted most of the narrative portion of the requested report under section 552.108. However, the remaining portions of the report do not contain information sufficient to satisfy the requirement that a detailed description of the offense be released. *See* ORD 127. Accordingly, we determine that the city must release a sufficient portion of the narrative portion of the report to satisfy the required release of basic information pursuant to *Houston Chronicle*. The city may withhold the remaining information you have highlighted under section 552.108(a)(1) of the Government Code.

In summary, the city must release the requestor's Texas driver's license number to her. The city may withhold the social security number you have highlighted that does not pertain to the requestor under section 552.147 of the Government Code. With the exception of a sufficient portion of the narrative portion of the report to satisfy the required release of basic information, the department may withhold the remaining information you have highlighted under section 552.108(a)(1) of the Government Code.

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,



Laura Ream Lemus
Assistant Attorney General
Open Records Division

LRL/jb

Ref: ID# 377046

Enc. Submitted documents

c: Requestor
(w/o enclosures)