



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 12, 2010

Mr. Mark G. Mann
Assistant City Attorney
City of Garland
P.O. Box 469002
Garland, Texas 75046-9002

OR2010-05118

Dear Mr. Mann:

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# 380695 (GCA 10-0205).

The Garland Police Department (the "department") received a request for information relating to three specified case numbers. You state that some of the requested information has been released. You claim that the rest of the 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.

Section 552.108(a)(1) 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, 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 seek to withhold the marked information relating to case numbers 2009R001075 and 2010R002319 under section 552.108(a)(1). You state that the marked information is related to pending criminal cases. Based on your representations, we conclude that the department may withhold that marked information under section 552.108(a)(1). *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).

Section 552.108(a)(2) 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[.]" Gov't Code § 552.108(a)(2). You seek to withhold the marked information

relating to case number 2009R001074 under section 552.108(a)(2). You state that the marked information is related to a concluded criminal investigation that did not result in a conviction or a deferred adjudication. Based on your representations, we conclude that the department may withhold that marked information under section 552.108(a)(2).

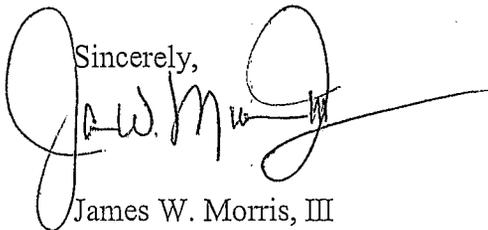
Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle title or registration issued by an agency of this state. *See* Gov't Code § 552.130(a)(2). We have marked Texas motor vehicle information the department must withhold under section 552.130.¹ Although the department also seeks to withhold out-of-state motor vehicle information on this basis, we note that section 552.130 is applicable to information relating to a motor vehicle title or registration issued by an agency of the State of Texas. Therefore, the out-of-state information, which we have marked, may not be withheld under section 552.130 and must be released.

In summary: (1) the information you have marked may be withheld under section 552.108 of the Government Code; and (2) the Texas motor vehicle information we have marked must be withheld under section 552.130 of the Government Code. The rest of the information at issue 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,



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

JWM/cc

¹We note that the department has redacted a Texas license plate number pursuant to Open Records Decision No. 684 (2009), which is 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, without the necessity of requesting an attorney general decision.

Ref: ID# 380695

Enc: Submitted documents

c: Requestor
(w/o enclosures)