



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 30, 2010

Mr. Robert Ray  
Assistant City Attorney  
City Attorney's Office  
City of Longview  
P.O. Box 1952  
Longview, Texas 75606

OR2010-06251

Dear Mr. Ray:

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# 378011.

The Longview Police Department (the "department") received a request for information related to the department's response to crimes at a specified address during a specified period. You claim a portion of the submitted information is subject to a previous determination by this office and that the information you marked is excepted from disclosure under sections 552.101, 552.103, 552.108, 552.130, and 552.147 of the Government Code. We have considered your arguments and reviewed the submitted information.

First, you represent submitted report number 10-2353 was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2010-02556 (2010). In that ruling, we held the department may withhold the information you marked in red under section 552.108(a)(1) of the Government Code, and that the remaining information must be released. As we have no indication that the law, facts, and circumstances on which the prior ruling was based have changed, the department may continue to rely on Open Records Letter No. 2010-02556 as a previous determination and withhold or release report number 10-2353 in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same

information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).<sup>1</sup>

You raise section 552.108(a)(1) of the Government Code for the remaining information you marked in red. 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). The remaining information you marked in red consists of the 9-1-1 call report pertaining to the incident at issue in report number 10-2353, the 9-1-1 call recording for that incident, portions of police offense report number 09-19773, and the entirety of the 9-1-1 call report and 9-1-1 call recording pertaining to the incident at issue in report number 09-19773. You inform this office cases pertaining to report numbers 10-2353 and 09-19773 are currently under investigation by the department and are being pursued by the district attorney’s office. Based on this representation and our review, we determine release of most of the remaining information you marked 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).

However, 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). Basic information refers to the information held to be public in *Houston Chronicle* and includes an arrestee’s social security number. *See* Open Records Decision No. 127 at 3-4 (1976) (summarizing types of information deemed public by *Houston Chronicle*). Accordingly, the arrestee’s social security number you marked in report number 09-19773 is basic information and may not be withheld under section 552.108(a)(1). However, you also claim this social security number is excepted from disclosure by section 552.147 of the Government Code. This section provides “[t]he social security number of a living person is excepted from” required public disclosure under the Act.<sup>2</sup> Gov’t Code § 552.147(a). Accordingly, the department may withhold the arrestee’s social security number from report number 09-19773 under section 552.147 of the Government Code. The remaining information you marked in red

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<sup>1</sup>As our ruling is dispositive for the information in report number 10-2353, we need not address your raised exceptions to disclosure of this report.

<sup>2</sup>We 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.

may be withheld under section 552.108(a)(1) of the Government Code.<sup>3</sup> The remaining information 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](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,



Bob Davis  
Assistant Attorney General  
Open Records Division

RSD/cc

Ref: ID# 378011

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)

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<sup>3</sup>As our ruling is dispositive for this information, we need not address your remaining arguments against its release.