



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 5, 2010

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

OR2010-06488

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# 383358 (ref. no. 10-340).

The City of Cedar Park (the "city") received a request for police report number 1004-0055. You state that some responsive information will be made available to the requestor. You claim that some of the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

You state you redacted certain Texas motor vehicle record information under section 552.130 of the Government Code pursuant to the previous determination issued by this office in Open Records Decision No. 684 (2009). See Gov't Code § 552.301(a); Open Records Decision No. 673 (2001). You also state that you have redacted a social security number pursuant to section 552.147 of the Government Code.<sup>1</sup> We note, however, that the requestor appears to be acting as the complainant's authorized representative. Because sections 552.130 and 552.147 are based on privacy principles, if the requestor is acting as the complainant's authorized representative, the requestor has a right of access to the complainant's Texas

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<sup>1</sup>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.

motor vehicle information and social security number under section 552.023 of the Government Code. *See* Gov't Code § 552.023(a); Open Records Decision No. 481 at 4 (1987) (governmental body may not deny access to person to whom information relates or person's authorized representative on grounds that information is considered confidential by privacy principles). Accordingly, if the requestor is acting as the complainant's authorized representative, the Texas motor vehicle information and social security number you have marked may not be withheld from this requestor. We further note that the previous determination granted in Open Records Decision No. 684 is not applicable to a Texas driver's license class. Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle operator's or driver's license or permit issued by an agency of this state. *See* Gov't Code § 552.130(a)(1). Thus, if the requestor is not acting as the authorized representative of the complainant, the city must withhold the marked driver's license class in Exhibit B under section 552.130.

We next address your claim under section 552.108 of the Government Code for the information submitted as Exhibit C. 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 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 Exhibit C relates to a pending criminal investigation being conducted by the city's police department. Generally, the release of information pertaining to an open case is presumed to interfere with the criminal investigation. *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). Based upon your representation and our review, we conclude release of this information would interfere with the detection, investigation, or prosecution of crime. Thus, the city may withhold Exhibit C under section 552.108 of the Government Code.

In summary, the city may withhold Exhibit C under section 552.108(a)(1) of the Government Code. If the requestor is acting as the complainant's authorized representative, the Texas motor vehicle information and social security number you have marked may not be withheld from this requestor. If the requestor is not acting as the authorized representative of the complainant, the city must withhold the marked driver's license class in Exhibit B under section 552.130 of the Government Code. The city must release the rest of the information in Exhibit B, unless it has already done so.

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,



Cindy Nettles  
Assistant Attorney General  
Open Records Division

CN/dls

Ref: ID# 383358

Enc. Submitted documents

c: Requestor  
(w/o enclosures)