



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 24, 2010

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

OR2010-07479

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# 380315 (Cedar Park Reference No 10-280).

The City of Cedar Park (the "city") received a request for a specified police report. You claim that portions of the submitted information are excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108 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 state that Exhibit C is related to a pending investigation and prosecution and that its release would interfere with the detection and investigation of crime. Based on your representations, we conclude that section 552.108(a)(1) is applicable to Exhibit C. *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).

We note that 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). Section 552.108(c) refers to the basic front-page information held to be public in *Houston Chronicle Publishing 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). *See* 531 S.W.2d at 186-88. The city must release basic information, including a detailed description of the offense, even if the information does not literally appear on the front page of an offense or arrest report. *See*

Open Records Decision No. 127 at 3-4 (1976) (summarizing types of information deemed public by *Houston Chronicle*). The city may withhold the rest of Exhibit C under section 552.108(a)(1) of the Government Code.

You have marked information in Exhibit B under 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 [or] a motor vehicle title or registration issued by an agency of this state[.]” Gov’t Code § 552.130. You inform us you marked the information in Exhibit B pursuant to Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including Texas driver’s license numbers, Texas license plate numbers, and portions of photographs that depict Texas license plate numbers under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision. Accordingly, we agree that the city may withhold the Texas driver’s license and license plate numbers you have marked in Exhibit B pursuant to Open Records Decision No. 684 without seeking a decision from our office. We note that the vehicle identification numbers you have marked are not subject to Open Records Decision No. 684 and may not be redacted without requesting an attorney general decision. Upon review, we find that the city must generally withhold the vehicle identification numbers you have marked and the additional Texas motor vehicle record information we have marked in Exhibit B, under section 552.130 of the Government Code. However, we note that the requestor in this instance is a representative of an insurance company. We further note that section 552.130 protects personal privacy. Thus, if the requestor represents the insurer of a vehicle to which a marked license plate or vehicle identification number pertains, then the requestor has a right of access to that information as the vehicle owners’ authorized representative under section 552.023 of the Government Code.<sup>1</sup> *See id.* § 552.023; Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself). Therefore, if the requestor represents the vehicle owners’ insurer, then the license plate and vehicle identification numbers pertaining to those vehicle owners and their vehicle may not be withheld from the requestor under section 552.130 and must be released. If the requestor does not represent the vehicle owners’ insurer, then the city must withhold the license plate and vehicle identification numbers under section 552.130.

We note that Exhibit B also contains some information protected under section 552.136 of the Government Code.<sup>2</sup> Section 552.136 provides in part that “[n]otwithstanding any other

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<sup>1</sup>Section 552.023 provides in part that “[a] person or a person’s authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person’s privacy interests.” Gov’t Code § 552.023(a).

<sup>2</sup>The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

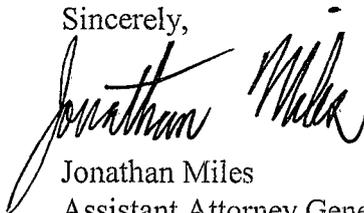
provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential." *Id.* § 552.136(b); *see id.* § 552.136(a) (defining "access device"). The city must withhold the credit card numbers we have marked under section 552.136.<sup>3</sup>

In summary, except for basic information, the city may withhold Exhibit C under section 552.108(a)(1) of the Government Code. The city must withhold the marked Texas driver's license, license plate, and vehicle identification numbers under section 552.130 of the Government Code, unless the requestor has a right of access to that information as an authorized representative of the vehicle owner under section 552.023 of the Government Code. The city must withhold the credit card numbers we have marked under section 552.136. 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,



Jonathan Miles  
Assistant Attorney General  
Open Records Division

JM/jb

Ref: ID# 380315

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>3</sup>As noted previously, this office recently issued Open Records Decision No. 684, a previous determination to all governmental bodies authorizing them to withhold ten categories of information without the necessity of requesting an attorney general decision, including credit card numbers under section 552.136.