



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 26, 2010

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

OR2010-07638

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# 380804 (Cedar Park Reference No. 10-292).

The Cedar Park Police Department (the "department") received a request for a specified incident report. You state some information will be released. You claim that the submitted information is excepted from disclosure under sections 552.101, 552.108, 552.130, and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

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 the information in Exhibit C relates to a pending criminal case. Based on this representation and our review, we conclude that section 552.108(a)(1) is applicable in this instance. *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). Such basic information refers to the information held to be public in *Houston Chronicle*, and includes a detailed description of the offense. *See Houston Chronicle*, 531 S.W.2d at 186-87; Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). Basic information also includes, among other things, the name, social security number, alias, race, sex, age, and address of the arrestees. *See Houston Chronicle*, 531 S.W.2d at 179-80, 185-87; *see also* ORD No. 127. We note, however, that basic information does not include the identity of witnesses. *See id.* You state you will release a portion of the submitted report. We note the information you have identified as the portion to be released does not contain sufficient information to qualify as a detailed description of the offense and does not include the identifying information of the arrestees. Accordingly, with the exception of basic information, which must include a sufficient portion of the narrative to encompass a detailed description of the offense and the identifying information of the arrestees, the department may withhold the information in Exhibit C under section 552.108(a)(1) of the Government Code.¹

You have marked some of the remaining information 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. *See* Gov't Code § 552.130(a)(1), (2). We note you have marked information 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 and 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 department may withhold the Texas license plate and driver's license numbers you have marked pursuant to Open Records Decision No. 684 without seeking a decision from our office. We note that the vehicle identification number and driver's license class you have marked are not subject to Open Records Decision No. 684 and may not be redacted without requesting an attorney general decision. However, upon review, we find that the department must withhold the driver's license class information and vehicle identification number you have marked under section 552.130.

In summary, with the exception of basic information, the department may withhold the information in Exhibit C under section 552.108. The department must withhold the information you have marked under section 552.130.

¹As our ruling is dispositive, we need not address your remaining argument against disclosure.

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,

A handwritten signature in black ink, appearing to read "Jennifer Burnett", with a long horizontal flourish extending to the right.

Jennifer Burnett
Assistant Attorney General
Open Records Division

JB/dls

Ref: ID# 380804

Enc. Submitted documents

c: Requestor
(w/o enclosures)