



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 27, 2010

Ms. Jessica Sangsvang  
Assistant City Attorney  
City of Fort Worth  
1000 Throckmorton Street, Third Floor  
Fort Worth, Texas 76102

OR2010-07707

Dear Ms. Sangsvang:

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# 380926 (Fort Worth #2804-10).

The Fort Worth Police Department (the "department") received a request for all arrest and offense reports relating to a named individual, including a specified offense report. You claim the submitted information is excepted from disclosure under section 552.151 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

We note you have redacted certain Texas motor vehicle record information under section 552.130 of the Government Code pursuant to previous determinations issued to the City of Fort Worth in Open Records Letter Nos. 2006-14726 (2006) and 2007-00198 (2007). See Gov't Code § 552.301(a); Open Records Decision No. 673 at 7-8 (2001). 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. We also note you have redacted a social security number pursuant to section 552.147 of the Government

Code.<sup>1</sup> However, the requestor is the authorized representative of the individual whose information is at issue. Accordingly, the requestor has a right of access to the redacted Texas motor vehicle information and social security number under section 552.023 of the Government Code. *See id.* § 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). Thus, this information may not be withheld from this requestor.

You seek to withhold the names, identification numbers, and identifying information of undercover officers from the submitted information pursuant to section 552.151 of the Government Code, which provides:

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from the requirements of Section 552.021 if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm.

Gov't Code § 552.151. You state release of the undercover officers' identifying information would allow suspected criminals to identify the officers in future undercover operations and allow previously arrested or convicted individuals to seek revenge on the officers, thereby putting the officers at risk. Based on your representations, we find the department has demonstrated that release of the officers' names and identification numbers would subject the officers to a substantial threat of physical harm. We therefore conclude the department must withhold the officers' names and identification numbers in the submitted information, which we have marked, under section 552.151 of the Government Code. However, we find you have failed to demonstrate that release of any of the remaining information you have marked would, under the specific circumstances pertaining to the officers at issue, subject them to a substantial threat of physical harm. Therefore, none of the remaining information may be withheld under section 552.151 of the Government Code. As you raise no other argument against disclosure, 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),

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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.

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,



Mack T. Harrison  
Assistant Attorney General  
Open Records Division

MTH/rl

Ref: ID# 380926

Enc. Submitted documents

c: Requestor  
(w/o enclosures)