



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 7, 2010

Ms. Yvette Aguilar
Assistant City Attorney
City of Corpus Christi
321 John Sartain
Corpus Christi, Texas 78401

OR2010-08255

Dear Ms. Aguilar:

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# 382739.

The Corpus Christi Police Department (the "department") received a request for three categories of information regarding a specified location over specified periods of time. You state the department has released some of the requested information. You claim that portions of the submitted information are excepted from disclosure under sections 552.101, 552.108, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You raise section 552.108 of the Government Code as an exception to disclosure for the information you marked. 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). You state that case numbers 0805160011, 0806280007, 0903030004, and 1003160014 pertain to pending criminal investigations or prosecutions. You also state case number 0801300016 relates to

an inactive criminal case for which the statute of limitations has not run. Based upon these representations, we conclude that release of the information you marked in these cases 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). Accordingly, we conclude that the department may withhold the information you marked under section 552.108(a)(1) of the Government Code.¹

Section 552.108(a)(2) excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]” Gov’t Code §552.108(a)(2). You state that case numbers 0805070014 and 0805170012 relate to criminal investigations that did not result in conviction or deferred adjudication. Based on your representation and our review, we conclude that the information you have marked in case numbers 0805070014 and 0805170012 is generally subject to section 552.108(a)(2).

However, section 552.108 does not except from disclosure “basic information about an arrested person, an arrest, or a crime.” *Id.* § 552.108(c). Section 552.108(c) refers to the basic front-page information held to be public in *Houston Chronicle*, and includes a detailed description of the offense. *See* 531 S.W.2d at 186-88; Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). We note you have marked the entire narrative portion of case number 0805170012 as information you seek to withhold under section 552.108. However, the remaining portions of case number 0805170012 do not contain information sufficient to satisfy the requirement that a “detailed description of the offense” be released as basic information. *See* ORD 127. Accordingly, with the exception of basic information in case number 0805170012, which must include a detailed description of the offense, the department may withhold the information you have marked pursuant to section 552.108(a)(2) of the Government Code.

Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. Section 552.101 also encompasses chapter 772 of the Health and Safety Code, which authorizes the development of local emergency communications districts. Sections 772.118, 772.218, and 772.318 are applicable to emergency 9-1-1 districts established in accordance with chapter 772. *See* Open Records Decision No. 649 (1996). These sections make the originating telephone numbers and addresses of 9-1-1 callers that are furnished by a 9-1-1 service supplier confidential. *See id.* at 2. You assert that the City

¹As we make this determination, we do not address your claim under section 552.101 of the Government Code for the audio recording in case number 1003160014.

of Corpus Christi is part of an emergency communication district established under section 772.318 of the Health and Safety Code. You state that the telephone number you have marked in the remaining information was furnished by a 9-1-1 service supplier. Based on your representations, we conclude that the department must withhold the information you have marked in case number 1003160014 under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code.

You indicate you have marked Texas driver's license and license plate numbers under section 552.130 of the Government Code pursuant to Open Records Decision No. 684 (2009).² We note, however, you have marked additional Texas motor vehicle record information subject to section 552.130. Section 552.130 provides that information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by a Texas agency is excepted from public release. Gov't Code § 552.130(a)(1), (2). Thus, we conclude section 552.130 is applicable to some of the remaining information you have marked. However, we find the license plate type you have marked does not constitute motor vehicle record information for purposes of section 552.130. Therefore, with the exception of the license plate type, which we have marked for release, the department must withhold the Texas motor vehicle record information you have marked pursuant to section 552.130 of the Government Code.

In summary, the department may withhold the information you have marked under section 552.108(a)(1) of the Government Code. With the exception of basic information in case number 0805170012, which must include a detailed description of the offense, the department may withhold the information you have marked pursuant to section 552.108(a)(2) of the Government Code. The department must withhold the information you marked under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. With the exception of the license plate type, which we have marked for release, the department must withhold the Texas motor vehicle record information you have marked pursuant to section 552.130 of the Government Code. 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.

²We note this office recently issued 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.

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# 382739

Enc. Submitted documents

c: Requestor
(w/o enclosures)