



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 16, 2010

Mr. Samuel D. Hawk
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
1400 South Lamar
Dallas, Texas 75215

OR2010-08793

Dear Mr. Hawk:

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# 382813 (Dallas Open Records Request No. 2010-3036).

The Dallas Police Department (the "department") received a request for three specified offense reports. You state the department has released one of the responsive reports to the requestor. You claim 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 representative sample of information.¹

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 that claims an exception to disclosure under section 552.108 must reasonably explain how and why this exception is applicable to the information at issue. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

that the information at issue relates to pending criminal investigations or prosecutions. Based upon this representation, we conclude that release of the information you have marked in report number 46264-X 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). Therefore, the department may withhold the information you have marked in report number 46264-X under section 552.108(a)(1) of the Government Code.

We note, however, that report number 418381-N involves an alleged unauthorized use of a motor vehicle, a state jail felony, that occurred in 2004. The statute of limitations for this type of offense is three years. *See* Crim. Proc. Code art. 12.01 (all other felonies subject to three year limitations period). More than three years have elapsed since the events giving rise to the investigation in report number 418381-N, and you have not informed this office any criminal charges were filed within the limitations period. Consequently, none of the information in report number 418381-N may be withheld under section 552.108(a)(1) of the Government Code.

We note that the remaining information contains a vehicle identification number. Section 552.130 excepts from disclosure information that relates to a Texas motor vehicle title or registration issued by an agency of this state.² Gov't Code § 552.130(a)(2). The department must withhold the vehicle identification number we have marked under section 552.130 of the Government Code.

In summary, (1) the department may withhold the information you have marked in report number 46264-X under section 552.108(a)(1) of the Government Code, and (2) the department must withhold the vehicle identification number we have marked under section 552.130 of the Government Code. The remaining information must be released to the requestor.³

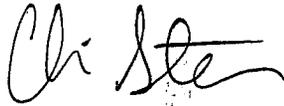
²The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

³We note that the remaining information contains the requestor's driver's license number and social security number. We note that this requestor has a special right of access to this information, which would otherwise be confidential with regard to the general public. *See* Gov't Code § 552.023(a). We further note that Open Records Decision No. 684 (2009) authorizes a governmental body to redact a Texas driver's license number under section 552.130 of the Government Code without the necessity of requesting an attorney general decision. Furthermore, 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. Accordingly, if the department receives another request for this information from an individual other than one with a right of access under section 552.023, the department is authorized to withhold the Texas driver's license number at issue under section 552.130 and the social security number under section 552.147 without the necessity of requesting an attorney general decision.

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,



Christopher D. Sterner
Assistant Attorney General
Open Records Division

CDSA/eeg

Ref: ID# 382813

Enc. Submitted documents

c: Requestor
(w/o enclosures)