



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 28, 2010

Ms. Angela M. DeLuca  
Assistant City Attorney  
City of Bryan  
P.O. Box 1000  
Bryan, Texas 77805

OR2010-09515

Dear Ms. DeLuca:

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# 384511.

The Bryan Police Department (the "department") received a request for thirteen specified police reports. You state you will release some of the requested information. 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.<sup>1</sup>

Section 552.108(a)(2) 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 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). Section 552.108(a)(2) is applicable only if the information at issue relates to a concluded criminal case that did not result in a

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<sup>1</sup>We 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.

conviction or a deferred adjudication. A governmental body that claims an exception to disclosure under section 552.108(a)(2) must reasonably explain how and why this exception is applicable to the information the governmental body seeks to withhold. *See id.* § 552.301(e)(1)(A); *Pruitt*, 551 S.W.2d 706. You assert case numbers 08-0600245, 08-0700210, 08-1101157, 08-0301226, 09-0400908, 09-0100717, 09-100871, 09-0300126, and 09-0400908 pertain to concluded criminal investigations that did not result in convictions or deferred adjudication. Based on your representation and our review, we conclude that section 552.108(a)(2) is generally applicable to these cases.

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). Basic information refers to the 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), and includes a detailed description of the offense. Thus, with the exception of basic information, the department may withhold case numbers 08-0600245, 08-0700210, 08-1101157, 08-0301226, 09-0400908, 09-0100717, 09-100871, 09-0300126, and 09-0400908 under section 552.108(a)(2) of the Government Code.

We note that some of the remaining information is subject to section 552.130 of the Government Code.<sup>2</sup> 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(a)(1), (2). Accordingly, the department must withhold the Texas motor vehicle information we have marked pursuant to section 552.130 of the Government Code.<sup>3</sup>

In summary, with the exception of basic information, the department may withhold case numbers 08-0600245, 08-0700210, 08-1101157, 08-0301226, 09-0400908, 09-0100717, 09-100871, 09-0300126, and 09-0400908 under section 552.108(a)(2) of the Government Code. The department must withhold the Texas motor vehicle information we have marked in the remaining information under section 552.130 of the Government Code. The remaining information must be released.

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<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).

<sup>3</sup>We 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 numbers and Texas license plate numbers under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

conviction or a deferred adjudication. A governmental body that claims an exception to disclosure under section 552.108(a)(2) must reasonably explain how and why this exception is applicable to the information the governmental body seeks to withhold. *See id.* § 552.301(e)(1)(A); *Pruitt*, 551 S.W.2d 706. You assert case numbers 08-0600245, 08-0700210, 08-1101157, 08-0301226, 09-0400908, 09-0100717, 09-100871, 09-0300126, and 09-0400908 pertain to concluded criminal investigations that did not result in convictions or deferred adjudication. Based on your representation and our review, we conclude that section 552.108(a)(2) is generally applicable to these cases.

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In summary, with the exception of basic information, the department may withhold case numbers 08-0600245, 08-0700210, 08-1101157, 08-0301226, 09-0400908, 09-0100717, 09-100871, 09-0300126, and 09-0400908 under section 552.108(a)(2) of the Government Code. The department must withhold the Texas motor vehicle information we have marked in the remaining information under section 552.130 of the Government Code. The remaining information must be released.

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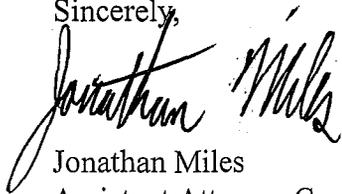
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This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other 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,

A handwritten signature in black ink that reads "Jonathan Miles". The signature is written in a cursive style with a large initial "J" and "M".

Jonathan Miles  
Assistant Attorney General  
Open Records Division

JM/jb

Ref: ID# 384511

Enc. Submitted documents

c: Requestor  
(w/o enclosures)