



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 9, 2010

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

OR2010-10166

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# 386056 (Cedar Park #s 10-389, 10-400, and 10-463).

The City of Cedar Park (the "city") received three requests for a specified police report. You state you will release basic information to the requestors. You state you will redact some information under section 552.130 of the Government Code pursuant to Open Records Decision No. 684 (2009).¹ You also state you will redact social security numbers under section 552.147(b) of the Government Code.² You claim the remaining information is excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

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). Generally, a governmental body

¹We 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.

²Section 552.147(b) 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.

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 submitted information pertains to a pending criminal investigation. Based on this representation and our review, we conclude the release of the information at issue 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). Thus, section 552.108(a)(1) is generally applicable to the information at issue.

However, 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* and includes a detailed description of the offense. *See* 531 S.W.2d at 186-87; Open Records Decision No. 127 at 3-4 (1976) (summarizing types of information deemed public by *Houston Chronicle*). You state you will release most of Exhibit B as basic information. We note you seek to withhold the entire narrative portion in Exhibit C under section 552.108. However, the information in Exhibit B does not contain information sufficient to satisfy the requirement that a "detailed description of the offense" be released as basic information. *Id.* Accordingly, we determine the city must release a sufficient portion of the narrative in Exhibit C to encompass a detailed description of the offense to satisfy the required release of basic information pursuant to *Houston Chronicle*. The city may withhold the remaining information in Exhibit C under section 552.108(a)(1).

You assert some of the information in Exhibit B is excepted from disclosure under section 552.130 of the Government Code, which 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). Upon review, we agree the information you have marked must generally be withheld under section 552.130. We note, however, the third requestor may be the insurance provider of the owner of the vehicle listed in the submitted information. As such, this requestor, if acting as the vehicle owner's authorized representative, has a right of access to the marked Texas motor vehicle record information. *See id.* § 552.023(a); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when an individual or authorized representative asks governmental body to provide information concerning that individual). In this instance, it is not clear that the requesting insurance company is acting as the vehicle owner's authorized representative. Therefore, we must rule conditionally. To the extent the third requestor has a right of access under section 552.023 to the marked Texas motor vehicle record information, the department must release the marked information to this requestor. To the extent this requestor does not have a right of access under section 552.023, the department must withhold the marked information from the third requestor under section 552.130 of the Government Code.

In summary, except for basic information, which must contain a detailed description of the offense, the city may withhold Exhibit C under section 552.108(a)(1) of the Government Code. In releasing basic information, the city must withhold the information you have marked under section 552.130 of the Government Code.³ To the extent the third requestor does not have a right of access under section 552.023, the city also must withhold the marked information in Exhibit B from the third requestor under section 552.130 of the Government Code.

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,



Mack T. Harrison
Assistant Attorney General
Open Records Division

MTH/tp

Ref: ID# 386056

Enc. Submitted documents

c: Requestor
(w/o enclosures)

³We note the other requestors, as individuals whose information is at issue, have a right of access some of the information being released. *See* Gov't Code § 552.023(a). Accordingly, if the city receives another request for the information from an individual other than an individual with a right of access under section 552.023, the city is authorized to withhold the Texas driver's license numbers and license plate numbers at issue under section 552.130 without the necessity of requesting an attorney general decision. *See* ORD 684.