



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 16, 2010

Ms. Michelle T. Rangel  
Assistant County Attorney  
Fort Bend County  
301 Jackson Street-3108, Suite 728  
Richmond, Texas 77469

OR2010-10556

Dear Mr. Rangel:

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# 386770.

The Fort Bend County Sheriff's Office (the "sheriff") received a request for incident report number 10-9975. You claim the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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: (2) 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). A governmental body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal investigation that has concluded in a final result other than conviction or deferred adjudication. *See id.* §§ 552.108(a)(2), 301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested). Although you state the submitted information relates to a closed case, you also state that the victim was referred to the Justice of the Peace Court. Because this case was referred to the Justice of the Peace, you have failed to explain how the submitted report pertains to a closed case that did not result in conviction or deferred adjudication. Therefore, we find that section 552.108(a)(2) is not applicable to the submitted information, and it may not be withheld on that basis.

We note some of the submitted information is subject to section 552.130 of the Government Code.<sup>1</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). Accordingly, the sheriff must withhold the information we have marked under section 552.130 of the Government Code. The remaining information must be released to the requestor.<sup>2</sup>

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,



Amy L.S. Shipp  
Assistant Attorney General  
Open Records Division

ALS/tp

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<sup>1</sup>The Office of the Attorney General will raise a mandatory exception like section 552.130 of the Government Code on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

<sup>2</sup>We note the remaining information contains the requestor's social security number and Texas motor vehicle record information. 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. Additionally, we note Open Records Decision No. 684 (2009) authorizes a governmental body to redact a Texas driver's license number and Texas license plate number under section 552.130 of the Government Code without the necessity of requesting an attorney general decision. The requestor has a special right of access, however, to her own social security number and Texas motor vehicle record information, which would otherwise be confidential with regard to the general public. See Gov't Code § 552.023(a). Accordingly, if the sheriff receives another request for this information from an individual other than the requestor, the sheriff is authorized to withhold the social security number under section 552.147 and Texas motor vehicle record information at issue under section 552.130 without the necessity of requesting an attorney general decision.

Ref: ID# 386770

Enc. Submitted documents

c: Requestor  
(w/o enclosures)