



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 22, 2010

Ms. Jessica Sangsvang
Assistant City Attorney
City of Fort Worth
1000 Throckmorton Street, 3rd Floor
Fort Worth, Texas 76102

OR2010-10968

Dear Ms. Sangsvang:

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# 388368 (City of Fort Worth Public Information Request No. W001126).

The City of Fort Worth (the "city") received a request for a specified police report. You claim that portions of the submitted information are excepted from disclosure under sections 552.130 and 552.151 of the Government Code. We have considered the exception you claim and reviewed the submitted report. We have also considered comments submitted by the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

We note you have marked the requestor's client's Texas driver's license number. Section 552.130 of the Government Code excepts from public disclosure information that relates to a motor vehicle operator's or driver's license or permit issued by an agency of this state. Gov't Code § 552.130(a)(1). We note that section 552.130 protects personal privacy. In this instance, the requestor has a right of access under section 552.023 of the Government Code to his client's Texas motor vehicle record information, and it may not be withheld from him pursuant to section 552.130. *See generally id.* § 552.023(b) (governmental body may not deny access to person to whom information relates, or that person's representative, solely on grounds that information is considered confidential by privacy principles). As you raise no other exceptions for this information, the city must release the Texas driver's license number you have marked to this requestor.

Next, you seek to withhold the names and identification numbers of undercover police officers engaged in a vice operation from the submitted report. Section 552.151 of the Government Code provides as follows:

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from the requirements of Section 552.021 if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm.

Id. § 552.151. You represent to this office that the release of the identifying information of the undercover police officers at issue would cause the officers to face a substantial threat of physical harm. Based on your representation, we find the city has demonstrated that release of the information at issue would subject the officers to a substantial threat of physical harm. We therefore conclude that the city must withhold the names and identification numbers of the undercover police officers, which you have marked, under section 552.151 of the Government Code.

We note the requestor asserts he has a special right of access to the information the city has marked under section 552.151 of the Government Code as the attorney for the arrestee listed in the submitted report. As discussed above, under section 552.023, a person has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect the person's privacy interests. *Id.* § 552.023(a). However, a requestor does not have a right of access under section 552.023 to information that is protected from public disclosure by a law that is not based exclusively on the privacy right of the requestor or his client. *Id.* § 552.023(b). In this instance, section 552.151 protects the interests of governmental bodies and individuals other than the requestor or his client. Therefore, section 552.023 does not provide the requestor a special right of access to the information the city marked under section 552.151.

In summary, the city must release the Texas driver's license number you have marked to this requestor. The city must withhold the names and identification numbers of the undercover police officers, which you have marked, under section 552.151 of the Government Code. As you raise no other exceptions to disclosure, 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, 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,


Laura Ream Lemus
Assistant Attorney General
Open Records Division

LRL/jb

Ref: ID# 388368

Enc. Submitted documents

c: Requestor
(w/o enclosures)