



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 22, 2010

Ms. Michelle T. Rangel
Assistant County Attorney
Fort Bend County Sheriff's Office
William B. Travis Building
301 Jackson St., Suite 728
Richmond, Texas 77469

OR2010-11006

Dear Ms. 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# 387493.

The Fort Bend County Sheriff's Office (the "sheriff") received a request for information pertaining to a specified incident. You state you are releasing some information. You claim that the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of the requested information.¹

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

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.

conviction or a deferred adjudication. 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 the governmental body seeks to withhold. *See id.* § 552.301(e)(1)(A). Although you state that report 10-5726 is closed, you also state the victim has been referred to the Justice of the Peace. Because the victim was referred to the Justice of the Peace, you have failed to explain how this 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 report 10-5726 and it may not be withheld on that basis.

We note the remaining information includes driver's license information. Section 552.130 of the Government Code 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).² Accordingly, the department must withhold the information we have marked pursuant to section 552.130.³ 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.

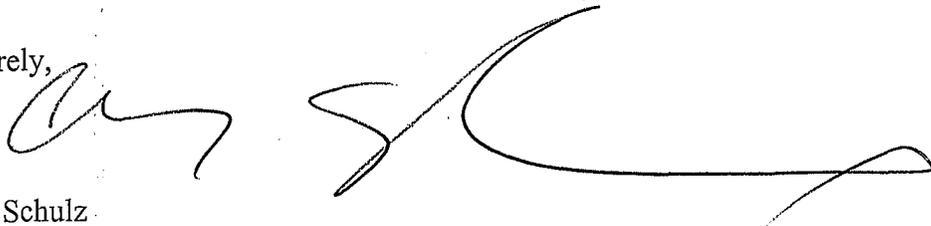
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney 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.

²The Office of the Attorney General will raise a mandatory exception, such as section 552.130, 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 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 a Texas driver's license number under section 552.130 without the necessity of requesting an attorney general decision.

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Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Schulz', written in a cursive style.

Chris Schulz
Assistant Attorney General
Open Records Division

CS/em

Ref: ID# 387493

Enc. Submitted documents

cc: Requestor
(w/o enclosures)