ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 27, 2010

Chief Gregory L. Grigg
Chief of Police
City of Deer Park
2911 Center Street
Deer Park, Texas 77536-4942

OR2010-11263

Dear Chief Grigg:

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# 387995 (Deer Park Request No. 79).

The Deer Park Police Department (the "department") received a request for information pertaining to a specified arrest. You state the department has released some of the requested information to the requestor. You claim that portions of the submitted information are excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You claim the marked portions of the submitted information are excepted under section 552.108 of the Government Code. 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). A governmental body 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 that the information you have marked relates to a pending prosecution in the 263rd Judicial District Court of Harris County. Based on your representation and our review, we conclude that the release of the information you have marked 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 you have marked.

However, as you acknowledge, 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). Such basic information refers to the information held to be public in *Houston Chronicle*, and includes among other things, a detailed description of the offense. *See* 531 S.W.2d at 186-87; Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). We note that some of the information you have marked under section 552.108, including the property involved, constitutes basic information for purposes of *Houston Chronicle*. *See* 531 S.W.2d 186-7; ORD 127 at 3-4. We also note that you have marked the entire narrative portion of the submitted incident report under section 552.108. However, the information that you indicate was released does not contain information sufficient to satisfy the requirement that a detailed description of the offense be released. *See* ORD 127. Accordingly, we determine that the department must release the property involved and a sufficient portion of the narrative portion of the report to satisfy the required release of basic information pursuant to *Houston Chronicle*. The department may withhold the remaining information you have marked under section 552.108(a)(1) of the Government Code.[1]

Next, we note that you indicate you have redacted the requestor's Texas driver's license number and you have also marked a photocopy of a Texas driver's license not belonging to the requestor under section 552.130 of the Government Code. Section 552.130 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). 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 and a copy of a Texas driver's license under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision. 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 own Texas driver's license number 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); *see also* Open Records Decision Nos. 684 at 12, 481 at 4 (1987) (privacy theories not implicated when individuals request information concerning themselves). However, upon review, the department must withhold the photocopy of the

[1]As our ruling is dispositive for this information, we need not address your remaining argument against the disclosure of portions of this information.

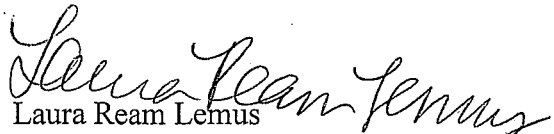
Texas driver's license not pertaining to the requestor, which you have marked, under section 552.130 of the Government Code.

In summary, the department must release the property involved and a sufficient portion of the narrative portion of the submitted incident report to satisfy the required release of basic information pursuant to *Houston Chronicle*. The department may withhold the remaining information you have marked under section 552.108(a)(1) of the Government Code. The department must withhold the photocopy of the Texas driver's license not pertaining to the requestor, which you have marked, under section 552.130 of the Government Code. As you raise no other exceptions to its disclosure, the department must release the requestor's Texas driver's license number you have marked as redacted.

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# 387995

Enc. Submitted documents

c: Requestor
(w/o enclosures)