



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 6, 2010

Ms. Michelle L. Villarreal  
Assistant City Attorney  
Legal Service  
City of Waco  
P.O. Box 2570  
Waco, Texas 76702

OR2010-11938

Dear Ms. Villarreal:

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# 389572 (Waco reference no. LGL-10-725).

The Waco Police Department (the "department") received a request for all arrest records pertaining to a named individual and records pertaining to two specified incidents. You claim the portions of the submitted information you highlighted are excepted from disclosure under sections 552.101, 552.108, 552.130, and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108(a)(1) 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 . . . 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.* § 552.301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You represent the information you marked in the submitted police report pertains to an open and pending criminal case under investigation by the department. You also state release of the marked information at this time would interfere with the investigation or prosecution of that case. Based on your representations and our review, we determine release of the information you 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). Accordingly, the department may

withhold the information you marked pursuant to section 552.108(a)(1) of the Government Code.<sup>1</sup>

Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. Section 552.101 encompasses information made confidential by other statutes. You contend that the information you have highlighted in pink in the submitted dispatch sheet is excepted under section 552.101 in conjunction with section 772.318 of the Health and Safety Code. Chapter 772 of the Health and Safety Code relates to local emergency communications districts. Section 772.318 applies to an emergency 9-1-1 district established in accordance with chapter 772, and makes confidential the originating telephone numbers and addresses of 9-1-1 callers that are furnished by a service supplier. *See* Open Records Decision No. 649 (1996). We understand the City of Waco is part of an emergency communication district that was established under section 772.318.<sup>2</sup> The telephone number you have highlighted may not be the originating telephone number of a 9-1-1 caller furnished by a service supplier but instead may have been supplied by the caller. Any instances of the telephone number you highlighted in the dispatch report that were supplied by the caller must be released. Additionally, the address you have highlighted appears to be the location of a cellular telephone tower location near the 9-1-1 caller, not the caller’s originating address. Thus, if the address is a tower location, it must be released. However, to the extent the information you highlighted in pink in the submitted dispatch sheet consists of the actual originating telephone number and address of the 9-1-1 caller provided by the 9-1-1 service supplier, this information must be withheld under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code.

You claim some of the remaining information in the submitted police report is excepted under section 552.130 of the Government Code, which provides 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 department must withhold the remaining Texas motor vehicle record information you have highlighted in the submitted police report under section 552.130 of the Government Code.<sup>3</sup>

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<sup>1</sup>As our ruling is dispositive for this information, we need not address your remaining argument against its disclosure.

<sup>2</sup>Section 772.318 applies to an emergency communication district for a county with a population of more than 20,000.

<sup>3</sup>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 license plate numbers under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

Finally, you highlighted social security numbers to be withheld under section 552.147 of the Government Code. This section provides “[t]he social security number of a living person is excepted from” required public disclosure under the Act. *Id.* § 552.147(b). Therefore, the department may withhold the social security numbers you have highlighted under section 552.147.<sup>4</sup>

In summary, the department may withhold the information you marked in the submitted police report under section 552.108(a)(1) of the Government Code. To the extent the telephone number and address information you highlighted in the submitted dispatch report is the actual originating telephone number and address of the 9-1-1 caller provided by the 9-1-1 service supplier, this information must be withheld under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. The department must withhold the information you highlighted under section 552.130 of the Government Code, and may withhold the social security numbers you highlighted under section 552.147 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](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,



Bob Davis  
Assistant Attorney General  
Open Records Division

RSD/eeg

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<sup>4</sup>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. Gov’t Code § 552.147(b).

Ref: ID# 389572

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)