



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

August 10, 2010

Mr. Cory S. Hartsfield  
Adams, Lynch & Loftin, P.C.  
3950 Highway 360  
Grapevine, Texas 76051-6741

OR2010-12107

Dear Mr. Hartsfield:

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# 392489 (File No. 08148).

The Tarrant County Hospital District (the "district"), which you represent, received a request for information regarding a specified incident. You state you have provided the requestor with a portion of the requested information. You claim that the submitted 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 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 must reasonably explain how and why section 552.108 is applicable to the information at issue. *See id.* § 552.301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the district's police department (the "department") is a commissioned law enforcement agency enabled by section 281.057 of the Health and Safety Code. *See Health & Safety Code* § 281.057. You state the submitted information consists of department records related to an ongoing criminal investigation. Based on your representation, we conclude that section 552.108(a)(1) is generally applicable to most of the submitted information. *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).

We note, however, the submitted information includes a citation. Because a copy of the citation was provided to the individual who was cited, we find that release of the submitted citation will not interfere with the detection, investigation, or prosecution of crime. *See* Gov't Code § 552.108(a)(1). We, therefore, conclude that the citation that we have marked may not be withheld under section 552.108(a)(1).

We also note that section 552.108 does not except from disclosure "basic information about an arrested person, an arrest, or a crime." *Id.* § 552.108(c). Section 552.108(c) refers to the basic front-page information held to be public in *Houston Chronicle*. *See* 531 S.W.2d at 186-88; Open Records Decision No. 127 at 3-4 (1976) (summarizing types of information deemed public by *Houston Chronicle*). Thus, with the exception of basic information, which you state you have released, and the submitted citation, the district may withhold the submitted information under section 552.108(a)(1) of the Government Code.

We next note the citation includes a Texas driver's license number that 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[.]" Gov't Code § 552.130. We note, however, that the requestor may be the authorized representative of the individual whose Texas driver's license number is at issue. Section 552.130 protects privacy interests, and the person to whom such information relates, or his authorized representative, has a right of access to such information under section 552.023 of the Government Code.<sup>2</sup> Thus, if the requestor is acting as the individual's authorized representative, the district may not withhold the marked Texas driver's license number under section 552.130. To the extent the requestor does not have a right of access to the marked Texas driver's license number, the district must withhold that information under section 552.130 of the Government Code.<sup>3</sup>

---

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

<sup>2</sup>Section 552.023(a) provides that "[a] person or a person's authorized representative 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 that person's privacy interests." Gov't Code § 552.023(a).

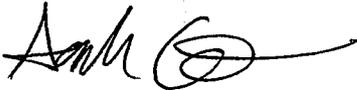
<sup>3</sup>We note this office recently issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including a Texas driver's license number under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

In summary, with the exception of basic information and the submitted citation, the district may withhold the submitted information under section 552.108(a)(1) of the Government Code. The district must withhold the information we have marked in the citation under section 552.130 of the Government Code, unless the requestor is acting as the individual's authorized representative. The remaining information must be released to the requestor.<sup>4</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,



Sarah Casterline  
Assistant Attorney General  
Open Records Division

SEC/eeg

Ref: ID# 392489

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

---

<sup>4</sup>We note the remaining information contains a social security number. 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. However, if the requestor is the authorized representative of the individual whose social security number is at issue, then he has a right of access to this information and it may not be withheld from him. See Gov't Code § 552.023.