



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 16, 2010

Ms. Judith N. Benton  
Assistant City Attorney  
City of Waco  
P.O. Box 2570  
Waco, Texas 76702-2570

OR2010-12380

Dear Ms. Benton:

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# 395283 (LGL Reference No. 10-989).

The City of Waco (the "city") received a request for a specified incident report. You indicate you have released some of the requested information. You claim some of the submitted information is excepted from disclosure under sections 552.108 of the Government Code. We have considered the exception 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 city's police 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 city may withhold the information you marked pursuant to section 552.108(a)(1) of the Government Code.

You have marked information that you state is subject to section 552.130 of the Government Code, and will be redacted pursuant to Open Records Decision No. 684 (2009). Section 552.130 of the Government Code provides that 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). Open Records Decision No. 684 authorizes the withholding of ten categories of information, including Texas driver's license and license plate numbers 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 is one of the individuals whose privacy interests are implicated. Thus, the requestor has a right of access to her own motor vehicle record information and the city may not withhold this information under section 552.130. *See id.* § 552.023(b) (governmental body may not deny access to person to whom information relates, solely on grounds that information is considered confidential by privacy principles). Accordingly, we agree that, with the exception of the requestor's motor vehicle information which must be released, the city may withhold the Texas driver's license and license plate numbers you have marked pursuant to Open Records Decision No. 684 without seeking a decision from our office. However, we note that the vehicle year and vehicle identification numbers you have marked are not subject to Open Records Decision No. 684 and may not be redacted without requesting an attorney general decision. Upon review, we find that the city must withhold the vehicle identification numbers you have marked, and the additional information we have marked, under section 552.130 of the Government Code. However, the vehicle years you have marked does not constitute motor vehicle record information for purposes of section 552.130, and may not be withheld on this basis.

You have also highlighted the requestor's social security number for redaction. 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. *Id.* § 552.147. However, the requestor has a right of access to her own social security number. *See id.* § 552.023(b). Consequently, the city may not withhold the requestor's social security number you have highlighted from this requestor pursuant to section 552.147.

In summary, the city may withhold the information you have marked under section 552.130 of the Government Code. Except where we have marked for release, the city must withhold

the information you have marked, and the additional information we have marked, under section 552.130 of the Government Code. The remaining information must be released.<sup>1</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,



Paige Lay  
Assistant Attorney General  
Open Records Division

PL/eeg

Ref: ID# 395283

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)

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<sup>1</sup>We note that because the requestor has a special right of access to information that would otherwise be confidential in this instance, the city must again seek a decision from this office if it receives another request for the same information from a different requestor.