



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 17, 2010

Ms. Sally Jo Hahn  
Attorney  
Texas Parks & Wildlife Department  
4200 Smith School Road  
Austin, Texas 78744-3291

OR2010-12431

Dear Ms. Hahn:

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# 391359.

The Texas Parks & Wildlife Department (the "department") received a request for information pertaining to a specified incident. You state some of the responsive information has been released. You claim some of the submitted information is 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.

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). Generally, a governmental body claiming section 552.108(a)(1) 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 in Exhibit A relates to an open and pending criminal investigation. Based upon 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 marked information.

However, basic information about an arrested person, an arrest, or a crime is not excepted from disclosure under section 552.108. Gov't Code § 552.108(c). Such basic information

refers to the information held to be public in *Houston Chronicle* and includes a detailed description of the offense. *See* 531 S.W.2d at 186-8; *see also* Open Records Decision No. 127 (1976) (summarizing types of information deemed public by *Houston Chronicle*). Thus, with the exception of basic information, the department may withhold the information you have marked in Exhibit A under section 552.108(a)(1).

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. This section encompasses information protected by other statutes, including section 414.009 of the Government Code, which provides in pertinent part:

(a) A person who is a member or employee of the [crime stoppers advisory council] or who accepts a report of criminal activity on behalf of a crime stoppers organization commits an offense if the person intentionally or knowingly divulges to a person not employed by a law enforcement agency the content of a report of a criminal act or the identity of the person who made the report without the consent of the person who made the report.

Gov’t Code § 414.009. You state the information in Exhibit B represents a report submitted to a crime stopper’s organization. *See id.* § 414.001(2)(B) (defining “crime stoppers organization” as a public organization that is operated on a local or statewide level, that pays rewards to persons who report to the organization information about criminal activity, and that forwards the information to the appropriate law enforcement agency). Accordingly, we conclude that this information is confidential under section 414.009 of the Government Code and must be withheld under section 552.101 of the Government Code.<sup>1</sup>

In summary, with the exception of basic information, the department may withhold the information you have marked in Exhibit A. The remaining information in Exhibit A must be released.<sup>2</sup> The department must withhold Exhibit B under section 552.101 of the Government Code in conjunction with section 414.009 of the Government Code.

---

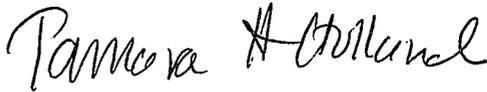
<sup>1</sup>As our ruling is dispositive, we need not address your remaining argument.

<sup>2</sup>We note the information being released contains the requestor’s social security number and Texas driver’s license 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. Additionally, we note Open Records Decision No. 684 (2009) authorizes a governmental body to redact a Texas driver’s license number under section 552.130 of the Government Code without the necessity of requesting an attorney general decision. The requestor has a special right of access, however, to his own social security number and Texas driver’s license number which would otherwise be confidential with regard to the general public. *See* Gov’t Code § 552.023(a). Accordingly, if the department receives another request for this information from an individual other than the requestor, the department is authorized to withhold the social security number under section 552.147 and the Texas driver’s license number under section 552.130 without the necessity of requesting an attorney general decision.

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,

A handwritten signature in cursive script that reads "Tamara H. Holland".

Tamara H. Holland  
Assistant Attorney General  
Open Records Division

THH/eb

Ref: ID# 391359

Enc. Submitted documents

c: Requestor  
(w/o enclosures)