



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 15, 2010

Ms. LeAnn M. Quinn, TRMC
City Secretary
City of Cedar Park
600 North Bell Boulevard
Cedar Park, Texas 78613

OR2010-17215

Dear Ms. Quinn:

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# 404529 (Reference Number 11-028).

The Cedar Park Police Department (the "department") received a request for information related to a motor vehicle accident involving the requestor's client. You state the department will release some information to the requestor. You claim that portions of the submitted information are excepted from disclosure under sections 552.108, 552.130, and 552.136 of the Government Code. We have considered the exceptions 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 that Exhibit C is related to a pending criminal prosecution and that its release would interfere with the detection and investigation of crime. Based on your representations, we conclude that the department may withhold Exhibit C under section 552.108(a)(1) of the Government Code. *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).

You have marked information in Exhibit B under section 552.130 of the Government Code. 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 [or] a motor vehicle title or registration issued by an agency of this state[.]" Gov't Code § 552.130. You inform us you marked the information in Exhibit B pursuant to 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, Texas license plate numbers, and portions of photographs that depict Texas license plate numbers under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision. Accordingly, we agree that the department may withhold the Texas driver's license and license plate numbers you have marked in Exhibit B pursuant to Open Records Decision No. 684 without seeking a decision from our office. We note that the 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 department must withhold the vehicle identification numbers you have marked and the additional Texas motor vehicle record information we have marked in Exhibit B under section 552.130 of the Government Code.

You also have marked information in Exhibit B under section 552.136 of the Government Code. Section 552.136 provides in part that "[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential." *Id.* § 552.136(b); *see id.* § 552.136(a) (defining "access device"). This office has concluded that insurance policy numbers constitute access device numbers for purposes of section 552.136. You inform us you marked the information at issue in Exhibit B pursuant to Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including an insurance policy number, without the necessity of requesting an attorney general decision. Accordingly, we agree that the department may withhold the insurance policy number you have marked in Exhibit B pursuant to Open Records Decision No. 684 without seeking a decision from our office.

In summary, the department may withhold Exhibit C under section 552.108(a)(1) of the Government Code. The department must withhold the marked Texas driver's license, license plate, and vehicle identification numbers under section 552.130 of the Government Code. The department must withhold the marked insurance policy number under section 552.136 of the Government Code. The remaining information must be released.¹

¹We note the information being released contains confidential information to which the requestor has a right of access. *See* Gov't Code § 552.023 (person has special right of access to information that relates to the person and that is protected from disclosure by laws intended to protect person's privacy interests). Thus, if the department receives another request for this particular information from a different requestor, then the department should again seek a decision from this office.

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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 404529

Enc. Submitted documents

c: Requestor
(w/o enclosures)