



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 25, 2011

Ms. Zeena Angadicheril  
Office of General Counsel  
The University of Texas System  
201 West 7th Street  
Austin, Texas 78701

OR2011-01252

Dear Ms. Angadicheril:

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# 407330 (OGC No. 134169).

The University of Texas at San Antonio (the "university") received a request for specified police reports involving the requestor. You state you have released some of the requested information, but claim 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(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 that claims an exception to disclosure under section 552.108 must reasonably explain how and why this exception is applicable to the information at issue. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state, and provide documentation showing, that the submitted offense reports relate to ongoing investigations conducted by the university's police department. Based upon this representation and our review, we conclude that release of the submitted information 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)

(court delineates law enforcement interests that are present in active cases), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). We note, however, that portions of the information you seek to withhold under section 552.108 include citations and a notice of suspension. Because copies of these documents were provided to the individuals who were cited, we find that release of the citations or notice of suspension will not interfere with the detection, investigation, or prosecution of crime. *See* Gov't Code § 552.108(a)(1). Therefore, the university may not withhold any portion of the citations or notice of suspension under section 552.108(a)(1). However, the university may withhold the remaining information you have marked under section 552.108(a)(1).<sup>1</sup>

Next, section 552.130 of the Government Code excepts from disclosure information relating to a Texas driver's license. *Id.* § 552.130. Accordingly, the university must withhold the Texas driver's license numbers you have marked in the citations, in addition to the driver's license number we have marked in the notice of suspension, under section 552.130 of the Government Code.<sup>2</sup>

Finally, you assert the student identification numbers you have marked in the submitted citations are confidential under section 552.136(b) of the Government Code, which states that "[n]otwithstanding any other provision of this chapter, 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. An access device number is one that may be used to (1) obtain money, goods, services, or another thing of value, or (2) initiate a transfer of funds other than a transfer originated solely by paper instrument, and includes an account number. *Id.* § 552.136(a). Upon review of your arguments and the information at issue, we find that you have failed to demonstrate this information constitutes access device numbers used to obtain money, goods, services, or another thing of value or initiate a transfer of funds other than a transfer originated solely by paper instrument. We therefore conclude the university may not withhold the information you have marked under section 552.136 of the Government Code.

In summary, with the exception of the citations and notice of suspension, the university may withhold the information you have marked in under section 552.108(a)(1) of the Government Code. The university must withhold the marked Texas driver's license numbers under

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

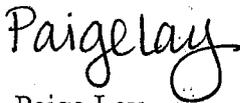
<sup>2</sup>We note this office issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including Texas driver's license numbers under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

section 552.130 of the Government Code. The remaining information must be released to the requestor.<sup>3</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/vb

Ref: ID# 407330

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>3</sup>We note that the information being released contains confidential information to which the requestor has a right of access. See Gov't Code § 552.023(a); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual asks governmental body to provide him with information concerning himself). However, if the university receives another request for this particular information from a different requestor, then the university should again seek a decision from this office.