



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 17, 2011

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

OR2011-03726

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# 416103 (Reference Nos. 11-333, 11-334, and 11-360).

The Cedar Park Police Department (the "department") received three requests from two different requestors for information pertaining to a specified incident. You state you are withholding social security numbers pursuant to section 552.147 of the Government Code.<sup>1</sup> You claim some of the submitted information is 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

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<sup>1</sup>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. *See Gov't Code* § 552.147(b).

state, and have provided documentation reflecting, the information submitted as Exhibit C is related to a pending prosecution. Based on your representation and documentation, we conclude the department may withhold Exhibit C under section 552.108(a)(1) of the Government Code.<sup>2</sup> 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 present in active cases), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle operator's or driver's license or permit or a motor vehicle title or registration issued by an agency of this state. See Gov't Code § 552.130(a)(1)-(2). You have marked Texas driver's license and motor vehicle information in Exhibit B to be withheld on this basis. As you note, this office issued a previous determination in Open Records Decision No. 684 (2009) authorizing all governmental bodies to withhold Texas driver's license and license plate numbers under section 552.130 without the necessity of requesting an attorney general decision. Section 552.130 also encompasses a vehicle registration year and a vehicle identification number. We therefore conclude the department must withhold the Texas driver's license and motor vehicle information you have marked in Exhibit B pursuant to Open Records Decision No. 684 and section 552.130 of the Government Code.

We note section 552.136 of the Government Code is applicable in this instance. Section 552.136(b) provides 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). This office has determined an insurance policy number constitutes an “access device” for purposes of section 552.136. See *id.* § 552.136(a) (defining “access device”). Therefore, the department must withhold the insurance policy number you have marked in Exhibit B under section 552.136 of the Government Code.<sup>3</sup>

In summary: (1) the department may withhold Exhibit C under section 552.108(a)(1) of the Government Code; (2) the department must withhold the Texas driver's license and motor vehicle information you have marked in Exhibit B pursuant to Open Records Decision No. 684 and section 552.130 of the Government Code; and (3) the department must withhold

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<sup>2</sup>As we are able to make this determination, we need not address the city's other claim for information in Exhibit C.

<sup>3</sup>We note Open Records Decision No. 684 also authorizes all governmental bodies to withhold an insurance policy number under section 552.136 without the necessity of requesting an attorney general decision.

the insurance policy number you have marked in Exhibit B under section 552.136 of the Government Code. The remaining information must be released.<sup>5</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# 416103

Enc. Submitted documents

cc: 2 Requestors  
(w/o enclosures)

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<sup>5</sup>We note that these requestors each have a special right of access to some of the information being released that would otherwise be confidential with regard to the general public. See Gov't Code § 552.023(a). Therefore, if the department receives another request for this information from a person who does not have a special right of access to this information, the department should resubmit this same information and request another decision from this office. See Gov't Code §§ 552.301(a), .302; Open Records Decision No. 673 (2001).