



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

May 13, 2011

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

OR2011-06715

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# 422100 (Reference No. 11-492).

The City of Cedar Park (the "city") received a request for police report number 1104-0061. You state some responsive information will be made available to the requestor. 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 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 city may withhold Exhibit C under section 552.108(a)(1) of the Government

Code.¹ *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 city 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.

You also claim section 552.136 of the Government Code is applicable to some of the information in Exhibit B. 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." Gov't Code § 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 city must withhold the insurance policy number you have marked in Exhibit B under section 552.136 of the Government Code.²

In summary: (1) the city may withhold Exhibit C under section 552.108(a)(1) of the Government Code; (2) the city 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 city must withhold the insurance policy number you have marked in Exhibit B under section 552.136 of the Government Code. The remaining information must be released.³

¹As we are able to make this determination, we need not address the city's other claim for information in Exhibit C.

²We 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.

³We note the requestor has 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 city receives another request for this information from a person who does not have a special right of access to this information, the city 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).

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# 422100

Enc. Submitted documents

c: Requestor
(w/o enclosures)