



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 10, 2011

Ms. M. Ann Montgomery-Moran
Assistant Ellis County Attorney
Ellis County Sheriff's Office
109 South Jackson
Waxahachie, Texas 75165

OR2011-11559

Dear Ms. Montgomery-Moran:

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# 430748.

The Ellis County Sheriff's Office (the "sheriff") received a request for information pertaining to a specified incident. You claim some of the requested information is excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e) (governmental body must provide comments explaining why exceptions raised should apply to information requested). You state the submitted information relates to an investigation that did not result in conviction or deferred adjudication. Based on your representation and our review, we conclude that section 552.108(a)(2) is applicable to the information you have marked. Accordingly, the sheriff may withhold the marked information under section 552.108(a)(2).

Section 552.130 provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by an agency of this state, another state, or country is excepted from public release. Act of May 24, 2011, 82nd Leg., R.S., S.B. 1638, § 4 (to be codified as an amendment to Gov't Code § 552.130). We note that this exception protects personal privacy; therefore, the requestor has a right of access to her own section 552.130 information. *See* Gov't Code § 552.023. Accordingly, except for the Texas motor vehicle record information pertaining to the requestor, the sheriff may withhold the information you have marked under section 552.130 of the Government Code.

In summary, the sheriff may withhold the information you have marked under section 552.108(a)(2) of the Government Code. Except for the Texas motor vehicle record information pertaining to the requestor, the sheriff may withhold the information you have marked under section 552.130 of the Government Code. The remaining information must be released.

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,



Paige Lay
Assistant Attorney General
Open Records Division

PL/tf

Ref: ID# 430748

Enc. Submitted documents

c: Requestor
(w/o enclosures)