



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 18, 2011

Mr. Robert Almonte  
Assistant City Attorney  
City of El Paso  
#2 Civic Center Plaza, 9<sup>th</sup> Floor  
El Paso, Texas 79901-1196

OR2011-15155

Dear Mr. Almonte:

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# 437967 (El Paso PL# 85576).

The El Paso Police Department (the "department") received a request for all information related to Case No. 11-246272. You state that you have released the complaint report and arrest supplement to the requestor. You claim that the remaining requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108(a)(2) excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. 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. You state the requested information pertains to a case that concluded in a result other than conviction or deferred adjudication. Therefore, we agree that section 552.108(a)(2) is applicable to the information you have indicated, and it may be withheld on that basis.

We note that a portion of the information being released contains a driver's license number.<sup>1</sup> Section 552.130 provides in relevant part:

(a) Information is excepted from the requirements of Section 552.021 if the information relates to:

(1) a motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country;

(2) a motor vehicle title or registration issued by an agency of this state or another state or country; or

(3) a personal identification document issued by an agency of this state or another state or country or a local agency authorized to issue an identification document.

Act of May 24, 2011, 82<sup>nd</sup> Leg., R.S., S.B. 1638, § 4 (to be codified as an amendment to Gov't Code § 552.130). Accordingly, the department must withhold the driver's license number we have marked under section 552.130 of the Government Code.

Finally, we note that the department has redacted a social security number in the information being released. Section 552.147 of the Government Code provides "[t]he social security number of a living person is excepted from" required public disclosure under the Act.<sup>2</sup> Gov't Code § 552.147. However, the social security number you have redacted belongs to the requestor. Section 552.147 protects personal privacy. Thus, the requestor has a right of access to her own information that would otherwise be confidential under privacy principles. *See* Gov't Code § 552.023. However, the department may withhold the social security number that does not belong to the requestor contained in the remaining information being released under section 552.147.

In summary, the information you have indicated may be withheld under section 552.108(a)(2). The department must withhold the driver's license number we have marked under section 552.130 of the Government Code. The department may withhold the social security number that does not belong to the requestor under section 552.147 of the Government Code. The remaining information must be released.

---

<sup>1</sup> The Office of the Attorney General will raise a mandatory exception on behalf of a government body, but ordinarily will not raise other exceptions. Open Records Decisions Nos. 481 (1987), 480 (1987), 470 (1987).

<sup>2</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 under the Act.

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,



Jessica L. Marsh  
Assistant Attorney General  
Open Records Division

JM/sdk

Ref: ID# 437967

Enc. Submitted documents

c: Requestor  
(w/o enclosures)