



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 10, 2011

Mr. Rodolfo Ramirez  
Assistant District Attorney  
Fort Bend County  
301 Jackson, Room 101  
Richmond, Texas 77469

OR2011-16656

Dear Mr. Ramirez:

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# 435808.

The Fort Bend District Attorney's Office (the "district attorney") received a request for information pertaining to a specified cause number. You claim that the requested information is excepted from disclosure under sections 552.108, 552.130, and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You claim the three submitted incident reports are excepted from disclosure under section 552.108 of the Government Code. 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 the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. You have submitted documentation reflecting that incident report number 09-28717 pertains to a case that was dismissed and did not result in conviction or deferred adjudication. Therefore, we agree section 552.108(a)(2) is applicable to incident report number 09-28717. However, you have failed to explain how section 552.108(a)(2) is applicable to incident report numbers 09-28664 and 09-24624. Accordingly, the district attorney may not withhold those incident reports on that basis.

We note section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, with the exception of the basic front-page offense information, the district attorney may withhold incident report number 09-28717 under section 552.108(a)(2).<sup>1</sup>

Section 552.130 of the Government Code provides that information relating to a motor vehicle operator's or driver's license or permit issued by an agency of this state or 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(a)(1)). We note that section 552.130 protects personal privacy. Thus, the requestor has a right of access to his own Texas driver's license number contained in incident report numbers 09-28664 and 09-24624 under section 552.023 of the Government Code. *See* Gov't Code § 552.023 (person or person's authorized representative has special right of access, beyond right of general public, to information held by governmental body that relates to person and is protected from public disclosure by laws intended to protect person's privacy interests); Open Records Decision No. 481 at 4 (1987). The district attorney, however, must withhold the Texas driver's license number that belongs to another individual, which we have marked in incident report numbers 09-28664 and 09-24624, under section 552.130 of the Government Code.

Finally, you raise section 552.147 of the Government Code, which provides “[t]he social security number of a living person is excepted from” required public disclosure under the Act. Gov't Code § 552.147. We note, however, the remaining information at issue does not contain any social security numbers; therefore, no information may be withheld on that basis.

In summary, with the exception of basic information, the district attorney may withhold incident report number 09-28717 under section 552.108(a)(2) of the Government Code. The district attorney must withhold the Texas driver's license number we have marked in incident report numbers 09-28664 and 09-24624 under section 552.130 of the Government Code. The district attorney must release the remaining information in incident report numbers 09-28664 and 09-24624.

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

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<sup>1</sup>As our ruling is dispositive, we do not address your other arguments to withhold this information.

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,

A handwritten signature in cursive script that reads "Tamara H. Holland".

Tamara H. Holland  
Assistant Attorney General  
Open Records Division

THH/ag

Ref: ID# 435808

Enc. Submitted documents

c: Requestor  
(w/o enclosures)