



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 5, 2011

Mr. Ronald J. Bounds  
Assistant City Attorney  
City of Corpus Christi  
P.O. Box 9277  
Corpus Christi, Texas 78469-9277

OR2011-17832

Dear Mr. Bounds:

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# 438113.

The Corpus Christi Police Department (the "department") received a request for incident report number 1108040169. You state the department has provided some of the requested information to the requestor. You claim portions of the submitted incident report are excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

You seek to withhold the undercover officers' names and identification numbers you have marked under section 552.108(b)(1) of the Government Code. Section 552.108(c), however, states 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), and includes the names of the investigating officers. *See* Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). In this instance, the undercover officers whose information you have marked were investigating officers involved in the incident at issue in the report. Thus, the department may not withhold the officers' information under section 552.108(b)(1) of the Government Code.

Section 552.152 of the Government Code provides:

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from [required public disclosure] if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm.

Act of May 9, 2011, 82nd Leg., R.S., S.B. 1303, § 27.001(20) (to be codified as Gov't Code § 552.152). You indicate the release of the undercover officers' names and identification numbers would cause the officers to face substantial threats of physical harm. Therefore, we find the you have demonstrated release of the marked undercover officers' identifying information would subject the officers to substantial threats of physical harm. Accordingly, we conclude the department must withhold the officers' information you have marked under section 552.152 of the Government Code.

Section 552.130 of the Government Code provides information relating to a motor vehicle title or registration issued by a Texas agency, or an agency of 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)(2)). Therefore, the department must withhold the motor vehicle registration expiration date you have marked in the remaining information under section 552.130 of the Government Code.<sup>1</sup>

In summary, the department must withhold the undercover officers' identifying information you have marked under section 552.152 of the Government Code. The department must withhold the motor vehicle registration expiration date you have marked under section 552.130 of the Government Code. The department must release the remaining information.

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

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<sup>1</sup>Although you state the department redacted the marked motor vehicle registration expiration date under section 552.130 pursuant to Open Records Decision No. 684 (2009), that decision does not authorize governmental bodies to withhold a motor vehicle registration expiration date under section 552.130 of the Government Code without the necessity of requesting an attorney general decision.

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 "Leah B. Wingerson".

Leah B. Wingerson  
Assistant Attorney General  
Open Records Division

LBW/dls

Ref: ID# 438113

Enc. Submitted documents

c: Requestor  
(w/o enclosures)