



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 9, 2012

Chief Gregory L. Grigg
Deer Park Police Department
2911 Center Street
Deer Park, Texas 77536-4942

OR2012-00404

Dear Chief Grigg:

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# 446380 (Request #14 – December 2011).

The Deer Park Police Department (the “department”) received a request for information related to a shooting. You indicate some of the requested information has been released. You claim the rest 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 information you submitted.

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 have marked the information the department seeks to withhold under section 552.108. You state, and have provided documentation reflecting, the marked information is related to a pending criminal prosecution. Based on your representation and documentation, we conclude section 552.108(a)(1) is generally applicable to the marked information. *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).

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). Section 552.108(c) refers to the basic front-page information held to be public in *Houston Chronicle* and includes a detailed description of the offense. *See* 531 S.W.2d at 186-88; Open Records Decision No. 127 at 3-4 (1976) (summarizing types of information deemed public by *Houston Chronicle*). The department must release basic information, including a detailed description of the offense from the narrative portion of the submitted police report, even if the information does not literally appear on the front page of the report. Thus, except for basic information under section 552.108(c), the department may withhold the information you have marked under section 552.108(a)(1) of the Government Code.

Section 552.130 of the Government Code excepts from disclosure information related 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 or another state or country. *See* Gov’t Code § 552.130(a)(1)-(2). You also have marked the information the department seeks to withhold under this exception. Because section 552.130 protects personal privacy, the requestor has a right of access to his own driver’s license and motor vehicle information under section 552.023 of the Government Code. *See id.* § 552.023(a); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself).¹ Therefore, the requestor’s driver’s license and motor vehicle information, which we have marked, may not be withheld under section 552.130 and must be released. The department must withhold the rest of the driver’s license and motor vehicle information you have marked and the additional motor vehicle information we have marked under section 552.130 of the Government Code.

In summary, the department (1) may withhold the information you have marked under section 552.108(a)(1) of the Government Code, except for basic information under section 552.108(c); (2) must release the requestor’s driver’s license and motor vehicle information under section 552.023 of the Government Code; and (3) must withhold the rest of the driver’s license and motor vehicle information you have marked and the additional motor vehicle information we have marked under section 552.130 of the Government Code.²

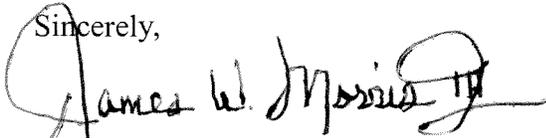
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

¹Section 552.023 provides in part that “[a] person or a person’s authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person’s privacy interests.” Gov’t Code § 552.023(a).

²Should the department receive another request for these same records from a person who would not have a right of access to the present requestor’s driver’s license and motor vehicle information, the department should resubmit these records and request another decision. *See* Gov’t Code §§ 552.301(a), .302.

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,

A handwritten signature in black ink that reads "James W. Morris, III". The signature is written in a cursive style with a large initial "J" and "M".

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/em

Ref: ID# 446380

Enc: Submitted information

c: Requestor
(w/o enclosures)