



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 26, 2012

Ms. Valecia R. Tizeno
City Attorney
City of Port Arthur
P.O. Box 1089
Port Arthur, Texas 77641-1089

OR2012-01302

Dear Ms. Tizeno:

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# 443625.

The City of Port Arthur (the “city”) received a request for all information in the possession, custody, or control of the city’s police department related to a named individual. You state some information has been released to the requestor. You claim the submitted information is excepted from disclosure pursuant to section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108(a)(1) 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 claiming section 552.108 must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the submitted information relates to a pending criminal prosecution. Based on this representation, we find that release of most of the information would interfere with the detection, investigation, or prosecution of crime. *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 that are present in active cases), *writ ref’d n.r.e. per curium*, 536 S.W.2d 559 (Tex. 1976).

We note, however, the information at issue includes a DIC-24 statutory warning and a DIC-25 notice of suspension. One of the arrestees was provided copies of these forms. You have not explained how releasing this information, which has already been seen by one of the arrestees, would interfere with the detection, investigation, or prosecution of crime. *See* Gov't Code § 552.108(a)(1). Accordingly, the DIC-24 and DIC-25 forms may not be withheld under section 552.108.

Additionally, section 552.108 does not except from disclosure “basic information about an arrested person, an arrest, or a crime.” *Id.* § 552.108(c). Section 552.108(c) refers to the basic “front-page” information held to be public in *Houston Chronicle*. *See* 531 S.W.2d at 186-187; *see also* Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). Basic information also includes, among other things, the name, social security number, alias, race, sex, age, and address of the arrestees. *See Houston Chronicle*, 531 S.W.2d at 179-80, 185-87; *see also* ORD No. 127. You state you have released a portion of the submitted report. We note the information you have identified as the released portion does not include the identifying information of the arrestees. Accordingly, with the exception of the DIC-24 and DIC-25 forms and basic information, which must include the identifying information of the arrestees, the city may withhold the submitted information under section 552.108(a)(1) of the Government Code.

Finally, we note the DIC-24 and DIC-25 forms contain a driver's license number. Section 552.130 of the Government Code excepts from disclosure 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.¹ *See* Gov't Code § 552.130(a)(1). The city must withhold the driver's license number we have marked in the DIC-24 and DIC-25 forms under section 552.130.

In summary, except for the DIC-24 and DIC-25 forms and basic information, which must include the identifying information of the arrestees and must be released, the city may withhold the submitted information under section 552.108(a)(1) of the Government Code. Except for the driver's license number we have marked, which the city must withhold under section 552.130 of the Government Code, the DIC-24 and DIC-25 forms 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

¹The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

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 cursive script, appearing to read "Jennifer Burnett", followed by a horizontal line.

Jennifer Burnett
Assistant Attorney General
Open Records Division

JB/dls

Ref: ID# 443625

Enc. Submitted documents

c: Requestor
(w/o enclosures)