



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 4, 2012

Ms. LeAnn M. Quinn  
City Secretary  
City of Cedar Park  
450 Cypress Creek Road  
Cedar Park, Texas 78613

OR2012-06597

Dear Ms. Quinn:

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# 453864 (Reference No. 12-420).

The Cedar Park Police Department (the "department") received a request for information related to a specified case of theft/burglary. You state some of the requested information either has been or will be released. You inform us the department will withhold a driver's license number pursuant to section 552.130(c) of the Government Code, a license plate number pursuant to the previous determination issued under section 552.130 in Open Records Decision No. 684 (2009), and a social security number pursuant to section 552.147(b) of the Government Code.<sup>1</sup> You claim other responsive information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the information you submitted.

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<sup>1</sup>Section 552.130(c) of the Government Code authorizes a governmental body to redact the information described in subsections 552.130(a)(1) and (a)(3) without the necessity of requesting a decision from this office. *See* Gov't Code § 552.130(c); *see also id.* § 552.130(d)-(e) (requestor may appeal governmental body's decision to withhold information under section 552.130(c) to attorney general, and governmental body withholding information pursuant to section 552.130(c) must provide notice to requestor). Open Records Decision No. 684 (2009) is a previous determination issued by this office authorizing all governmental bodies to withhold ten categories of information without the necessity of requesting a decision. Section 552.147(b) authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision.

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 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 claim section 552.108(a)(1) for the information submitted as Exhibit C. You state, and have provided documentation from the department confirming, Exhibit C is related to a pending criminal investigation. Based on your representation and documentation, we conclude the department may withhold Exhibit C under section 552.108(a)(1) of the Government Code. *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 the documents submitted as Exhibit B contain motor vehicle information. Section 552.130 of the Government Code excepts from disclosure information related to a motor vehicle title or registration issued by an agency of this state or another state or country.<sup>2</sup> *See* Gov’t Code § 552.130(a)(2). We have marked the information in Exhibit B that falls within the scope of section 552.130. We note this exception protects privacy. We also note the requestor is a representative of a group of insurance companies. As such, the requestor may have a right of access to the marked motor vehicle information under section 552.023 of the Government Code as an authorized representative of the party whose vehicles are insured. *See id.* § 552.023(a).<sup>3</sup> Thus, if the requestor is the insured party’s authorized representative, then the marked motor vehicle information may not be withheld under section 552.130 of the Government Code and must be released pursuant to section 552.023. But if the requestor is not the insured party’s authorized representative, then the department must withhold the marked information under section 552.130.

In summary, the department (1) may withhold Exhibit C under section 552.108(a)(1) of the Government Code and (2) must withhold the marked motor vehicle information in Exhibit B under section 552.130 of the Government Code, unless the requestor has a right of access to the information as the insured party’s authorized representative under section 552.023 of the Government Code.

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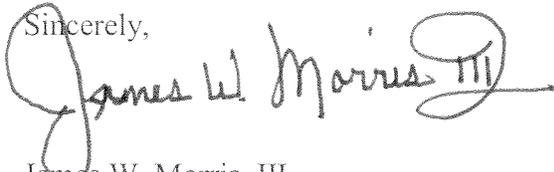
<sup>2</sup>This office will raise section 552.130 on behalf of a governmental body, as this section is a mandatory exception to disclosure. *See* Gov’t Code §§ 552.007, .352; Open Records Decision No. 674 at 3 n.4 (2001) (mandatory exceptions).

<sup>3</sup>Section 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); *see* Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself).

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,

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 a stylized "M".

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

JWM/em

Ref: ID# 453864

Enc: Submitted documents

c: Requestor  
(w/o enclosures)