



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 24, 2012

Ms. Andrea M. Gardner
City Manager
City of Copperas Cove
P.O. Drawer 1449
Copperas Cove, Texas 76522

OR2012-07969

Dear Ms. Gardner:

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# 454629.

The City of Copperas Cove (the "city") received a request for all information concerning a specified case. You claim the submitted 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.

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 investigation. We note, however, the information concerns an offense of fraudulent use or possession of identifying information that occurred in 2003. The statute of limitations for fraudulent use or possession of identifying information is seven years from the date of the commission of the offense. *See* Crim. Proc. Code art. 12.01(3)(G) (providing an indictment or information on fraudulent use or possession of identifying information under section 32.51 may be presented within seven years from the date of the

commission of the offense, and not afterward); *see* also Penal Code § 32.51. More than seven years has elapsed since the commission of the offense, and you have not informed this office that any criminal charges were filed within the limitations period. Additionally, you have not explained how the release of this information would otherwise interfere with the detection, investigation, or prosecution of a crime. Accordingly, we conclude you have not demonstrated the applicability of section 552.108(a)(1) of the Government Code, and none of the submitted information may be withheld on that basis.

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. Gov't Code § 552.130(a)(1), (2). We note some of the motor vehicle record information you have marked relates to the requestor. Because section 552.130 protects personal privacy, we find the requestor in this case has a right of access to his own motor vehicle record information under section 552.023 of the Government Code. *See id.* § 552.023(a), (b) (individual has special right of access to information that relates to himself and is protected by laws intended to protect his privacy interests, and governmental body may not deny access on ground that information is considered confidential by privacy principles); Open Records Decision No. 481 at 4 (privacy theories not implicated when individual requests information concerning himself). Accordingly, the city must withhold the information pertaining to other individuals, which we have marked, under section 552.130 of the Government Code. The remaining information you have marked is not subject to section 552.130 of the Government Code and may not be withheld on that basis.

Section 552.147 of the Government Code provides, “[t]he social security number of a living person is excepted from” required public disclosure under the Act. Gov't Code § 552.147. Accordingly, the city may withhold the social security number we have marked under section 552.147 of the Government Code.¹

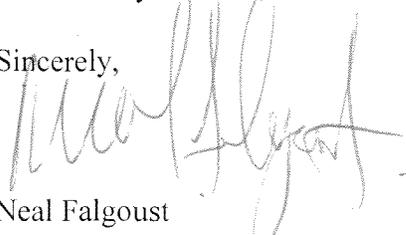
In summary, the city must withhold the information we have marked under section 552.130 of the Government Code. The city may withhold the social security number we have marked under section 552.147 of the Government Code. The remaining information must be released.

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.

¹We note section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act.

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,



Neal Falgoust
Assistant Attorney General
Open Records Division

NF/ag

Ref: ID# 454629

Enc. Submitted documents

c: Requestor
(w/o enclosures)