



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 1, 2012

Ms. M. Ann Montgomery-Moran
Assistant County Attorney
Ellis County
109 South Jackson
Waxahachie, Texas 75165

OR2012-08413

Dear Ms. Montgomery-Moran:

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# 455856.

The Ellis County Sheriff's Office (the "sheriff's office") received a request for information pertaining to a specified address during a specified time period. You claim portions of the submitted information are excepted from disclosure under sections 552.108, 552.130, and 552.147 of the Government Code. We have considered the exceptions you claim exceptions and reviewed the submitted information.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that did not result in conviction or deferred adjudication. *See* Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested). You state the information you have marked relates to a criminal investigation that was closed without prosecution. Thus, you assert the case concluded and did not result in conviction or deferred adjudication. Based on your representation and our review, we conclude section 552.108(a)(2) is applicable to the marked information. Thus,

the sheriff's office may withhold the information you have marked under section 552.108(a)(2).

Section 552.130 of the Government Code exempts from disclosure information that relates to a motor vehicle operator's or driver's license issued by an agency of this state or another state or country. *Id.* § 552.130(a)(1). We note the information includes the requestor's driver's license number, which is generally confidential under section 552.130(a)(1) of the Government Code. However, as you acknowledge, because section 552.130 protects personal privacy, the requestor has a right of access to her own information under section 552.023 of the Government Code.¹ *See* Gov't Code § 552.023(a); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning herself). Therefore, the sheriff's office must withhold the information you have marked under section 552.130.

Section 552.147 of the Government Code provides that "[t]he social security number of a living person is excepted from" required public disclosure under the Act. *Id.* § 552.147(a). Therefore, the sheriff's office may withhold the social security numbers you have marked in addition to the social security number we have marked under section 552.147(a).²

In summary, the sheriff's office (1) may withhold the information you marked under section 552.108(a)(2) of the Government Code, (2) must withhold the information you have marked under section 552.130 of the Government Code, and (3) may withhold the marked social security numbers 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.

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

¹If the sheriff's office receives another request for this information from another requestor, we note section 552.130(c) of the Government Code authorizes a governmental body to redact information protected by section 552.130(a)(1) without the necessity of requesting a decision under the Act. Gov't Code § 552.130(c).

²We 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. Gov't Code § 552.147(b).

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, appearing to read 'Ana Carolina Vieira', with a long horizontal flourish extending to the right.

Ana Carolina Vieira
Assistant Attorney General
Open Records Division

ACV/bhf

Ref: ID# 455856

Enc. Submitted documents

c: Requestor
(w/o enclosures)