



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 7, 2012

Ms. Michelle Villarreal  
Assistant City Attorney  
City of Waco  
P.O. Box 2570  
Waco, Texas 76702-2570

OR2012-08768

Dear Ms. Villarreal:

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# 455785 (Waco LGL-12-488).

The City of Waco (the "city") received a request for a specified offense report. You claim marked portions of the submitted information are excepted from disclosure under sections 552.108 and 552.130 of the Government Code.<sup>1</sup> We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108(a)(1) excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution of crime." Gov't Code § 552.108(a)(1). Generally, a governmental body claiming section 552.108(a)(1) must reasonably explain how and why the release

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<sup>1</sup>Although you do not explicitly assert section 552.130 as an exception to disclosure, based on your markings we understand you to raise section 552.130 as an exception to disclosure of portions of the submitted information.

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 case that is open and pending. You argue release of the information you have marked would interfere with the investigation or prosecution of the offense that is the subject of the submitted information. Based on these representations and our review, we conclude release of the information you have marked would interfere with the detection, investigation, or prosecution of a 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 per curiam*, 536 S.W.2d 559 (Tex. 1976). Therefore, the city may withhold the information you have marked under section 552.108(a)(1) of the Government Code.

Section 552.130 of the Government Code provides that information related to a motor vehicle title or registration issued by a Texas agency, or an agency of another state or country, is excepted from public release. Gov't Code § 552.130(a)(2). Upon review, we agree the information the city has marked is subject to section 552.130 of the Government Code. We note section 552.130 protects personal privacy. The individual whose motor vehicle record information is at issue is the requestor's client. As such, the requestor may have a right of access under section 552.023 of the Government Code to the marked motor vehicle record information as an authorized representative of the individual. *See id.* § 552.023; Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when an individual or authorized representative asks governmental body to provide information concerning that individual). To the extent the requestor has a right of access under section 552.023 to the motor vehicle record information at issue, the city must release this information to the requestor. To the extent the requestor does not have a right of access under section 552.023, the city must withhold the information you have marked under section 552.130 of the Government Code.

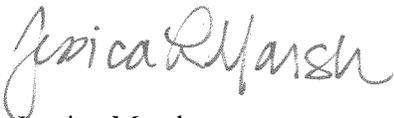
In summary, the city may withhold the information it has marked under section 552.108(a)(1) of the Government Code. To the extent the requestor does not have a right of access under section 552.023 of the Government Code to the motor vehicle record information at issue, the city must withhold the information you have marked under section 552.130 of the Government Code. The city must release the remaining information.

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 cursive script that reads "Jessica Marsh".

Jessica Marsh  
Assistant Attorney General  
Open Records Division

JM/bs

Ref: ID# 455785

Enc. Submitted documents

c: Requestor  
(w/o enclosures)