



**ATTORNEY GENERAL OF TEXAS**  
**GREG ABBOTT**

July 3, 2012

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

OR2012-10255

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# 462611 (LGL-12-820, LGL-12-898).

The Waco Police Department (the "department") received two requests for information related to a specified incident. You indicate some of the requested information has been released. You claim other responsive 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 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 have marked the information the department seeks to withhold under section 552.108. You state release of the marked information would interfere with a pending case. Based on your representations, we conclude the department may withhold the marked information 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).

Section 552.130 of the Government Code excepts from disclosure information relating 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. Upon review, we find the department must withhold the driver's license number you have marked under section 552.130 of the Government Code. However, the requestors in this instance are representatives of a company which is the owner of the vehicle listed in the submitted report. Section 552.130 is based on privacy principles; as such, the requestors have a right of access to the company's motor vehicle information. *See id.* § 552.023(a) (person or person's authorized representative has special right of access, beyond right of general public, to information held by governmental body that relates to person and is protected from public disclosure by laws intended to protect person's privacy interests); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning self). Thus, the department may not withhold the remaining motor vehicle information you have marked under section 552.130 from these requestors.

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.<sup>1</sup> Gov't Code § 552.147(a). We agree the department may withhold the social security number you have marked under section 552.147 of the Government Code.

In summary, the department may withhold the marked information related to the pending case under section 552.108(a)(1) of the Government Code. The department must withhold the driver's license number you have marked under section 552.130 of the Government Code. The marked social security number may be withheld under section 552.147 of the Government Code. The department must release the rest of the submitted 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.

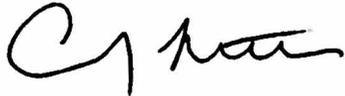
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), 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

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<sup>1</sup>We 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.

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 "C. Nettles", written in a cursive style.

**Cindy Nettles**  
**Assistant Attorney General**  
**Open Records Division**

CN/dls

Ref: ID# 462611

Enc. Submitted documents

c: 2 Requestors  
(w/o enclosures)