



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 9, 2012

Mr. Stephen A. Cumbie
Assistant City Attorney
City of Fort Worth
1000 Throckmorton Street, Third Floor
Fort Worth, Texas 76102

OR2012-10477

Dear Mr. Cumbie:

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# 458207 (City PIR# W016452).

The City of Fort Worth (the "city") received a request for all reports during a particular time period (1) pertaining to a named individual, (2) related to five specified addresses, or (3) made by a second named individual. You state the city has released some of the requested information. You inform us the city will withhold driver's license numbers other than the requestor's pursuant to section 552.130(c) of the Government Code and social security numbers in accordance with section 552.147 of the Government Code.¹ You also state the city will withhold the address and telephone number related to a 9-1-1 caller pursuant to the previous determinations issued to the city in Open Records Letter Nos. 2011-15956 (2011) and 2011-15641 (2011).² You claim the remaining requested

¹Section 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). 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 an attorney general decision under the Act. See Gov't Code § 552.147(b).

²Open Records Letter Nos. 2011-15956 and 2011-15641 are previous determinations issued to the city authorizing the city to withhold the originating telephone numbers and addresses, respectively, of 9-1-1 callers furnished to the city by a service supplier established in accordance with chapter 772 of the Health and Safety Code, without requesting a decision from this office. See Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code).

information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the submitted information includes incident report number 110658821, which was also the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2012-08825 (2012). In that ruling, this office determined, in part, that the city must withhold the information we marked in incident report number 110658821 under section 552.101 of the Government Code in conjunction with common-law privacy and must release the remainder of the report. Thus, with regard to incident report number 110658821, which was previously requested and ruled on by this office, we conclude the city must rely on the prior ruling as a previous determination and withhold or release the information in incident report number 110658821 in accordance with that decision. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in a prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes information is or is not excepted from disclosure). We will address your arguments for the remaining submitted information, which was not at issue in the prior ruling.

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(a)(1) 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, and provide documentation confirming, report numbers 12-25424 and 12-36679 relate to open criminal investigations by the city’s police department and possible prosecutions by the Tarrant County District Attorney’s Office. Based on these representations, we find the release of the information at issue would interfere with the detection, investigation, or prosecution of 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 n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

However, we note section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. Gov’t Code § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle*. *See* 531 S.W.2d at 186-88; Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). Thus, with the exception of the basic information, which you state has already been released, the city may withhold report numbers 12-25424 and 12-36679 under section 552.108(a)(1) of the Government Code.

In summary, the city must continue to rely on Open Records Letter No. 2012-08825 as a previous determination and withhold or release the information in incident report number 110658821 in accordance with that decision. With the exception of the basic information, which you state has already been released, the city may withhold report numbers 12-25424 and 12-36679 under section 552.108(a)(1) of the Government Code.

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 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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 458207

Enc. Submitted documents

c: Requestor
(w/o enclosures)