



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 13, 2012

Mr. Darrell G-M Noga  
Counsel for the City of Coppell  
Fee, Smith, Sharp & Vitullo, LLP  
13155 Noel Road, Suite 100  
Dallas, Texas 75240

OR2012-12716

Dear Mr. Noga:

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# 461979 (Coppell ORR# No. 10819).

The City of Coppell (the "city"), which you represent, received a request for two specified incident reports. You state the city has released or will release one of the requested incident reports with driver's license numbers redacted pursuant to section 552.130(c) of the Government Code and social security numbers redacted pursuant to section 552.147 of the Government Code.<sup>1</sup> You also state you have released or will release some information from the second incident report. You claim the submitted information is excepted from disclosure under sections 552.101, 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) of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or

---

<sup>1</sup>Section 552.130(c) of the Government Code authorizes a governmental body to redact driver's license numbers 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 certain 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 a decision from this office under the Act. *Id.* § 552.147(b).

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 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 prosecution. Based upon this representation, we conclude section 552.108(a)(1) is applicable and 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).

As you acknowledge, 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. We note basic information does not include motor vehicle information encompassed by section 552.130 of the Government Code. *See* Open Records Decision No. 127 at 3-4 (1976) (summarizing types of information deemed public *Houston Chronicle*). Thus, with the exception of the basic front page offense and arrest information, which you state you have released, you may withhold the remaining submitted information from disclosure based on section 552.108(a)(1) of the Government Code.<sup>2</sup>

Basic information, in this instance, contains the arrestee’s social security number, which is excepted from disclosure under section 552.147 of the Government Code. This section provides that “[t]he social security number of a living person is excepted from” required public disclosure under the Act. Gov’t Code § 552.147(a). Accordingly, in releasing basic information, the city generally may withhold the arrestee’s social security number you have marked under section 552.147 of the Government Code. However, section 552.147 protects personal privacy, and as the spouse of the individual whose privacy is at issue, the requestor may have a right of access to the arrestee’s social security number. *See id.* § 552.023(a) (person or person’s authorized representative has a special right of access to information that relates to a person and is protected from public disclosure by laws intended to protect that person’s privacy interest). Thus, if the requestor is acting as her spouse’s authorized representative, she has a right of access to his social security number under section 552.147. If she is not acting as her spouse’s authorized representative, the city may withhold the social security number you have marked under section 552.147 of the Government Code.

In summary, with the exception of the basic information, the city may withhold the submitted information under 552.108(a)(1) of the Government Code. However, if the requestor is not

---

<sup>2</sup>As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information.

acting as her spouse's authorized representative, then in releasing basic information, the city may withhold the arrestee's social security number under section 552.147 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](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,



Kathryn R. Mattingly  
Assistant Attorney General  
Open Records Division

KRM/bhf

Ref: ID# 461979

Enc. Submitted documents

c: Requestor  
(w/o enclosures)