



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 20, 2012

Ms. Lillian Guillen Graham
Assistant City Attorney
City of Mesquite
P.O. Box 850137
Mesquite, Texas 75185-0137

OR2012-13072

Dear Ms. Graham:

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# 462446.

The Mesquite Police Department (the "department") received a request for all police investigation notes, the investigative file, supplements, the 9-1-1 Call Log, witnesses' information, and photographs related to an incident involving a named individual and location. You state the department will redact license plate numbers pursuant to Open Records Decision No. 684 (2009).¹ You also state the department will redact some information pursuant to Open Records Letter Nos. 2012-01375 (2012) and 2012-06459 (2012).² You claim that portions of the remaining information are excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

¹Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including Texas license plate numbers under section 552.130(a)(2) of the Government Code, without the necessity of requesting an attorney general decision.

²Open Records Letter Nos. 2012-01375 and 2012-06459 are previous determinations issued to the department authorizing the department to respectively withhold, without requesting a decision from this office: (1) information in a call sheet that reveals the existence of a motor vehicle lien under section 552.101 in conjunction with common-law privacy and (2) motor vehicle price information in a call sheet under section 552.101 in conjunction with common-law privacy.

Section 552.101 of the Government Code exempts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. This section encompasses information made confidential by other statutes, such as section 143.090 of the Local Government Code. You state the City of Mesquite is a civil service city under chapter 143 of the Local Government Code. Section 143.090 of the Local Government Code, provides:

A department, [the Fire Fighters’ and Police Officers’ Civil Service Commission], or municipality may not release a photograph that depicts a police officer unless:

- (1) the officer has been charged with an offense by indictment or by information;
- (2) the officer is a party in a civil service hearing or a case before a hearing examiner or in arbitration;
- (3) the photograph is introduced as evidence in a judicial proceeding;
or
- (4) the officer gives written consent to the release of the photograph.

Local Gov’t Code § 143.090. You state one of the submitted photographs depicts department police officers. Upon review, we find the department must withhold the photograph you have indicated under section 552.101 in conjunction with section 143.090 of the Local Government Code.

Section 552.130 of the Government Code exempts from disclosure information relating to a motor vehicle title or registration issued by an agency of this state or another state or country. Gov’t Code § 552.130(a)(2). The department must withhold the motor vehicle record information you have marked in the submitted documents, as well as the additional information we have marked, under section 552.130 of the Government Code.

In summary, the department must withhold the photograph you have indicated under section 552.101 in conjunction with section 143.090 of the Local Government Code. The department must withhold the information you have marked in the submitted documents, as well as the additional information we have marked, under section 552.130 of the Government Code. The remaining information must be released.

You ask this office to issue a previous determination that would permit the department to withhold information pertaining to motor vehicle registrations under section 552.130(a)(2) of the Government Code without the necessity of requesting a decision from this office. We decline to issue such a previous determination at this time. Accordingly, 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,



Kathleen J. Santos
Assistant Attorney General
Open Records Division

KJS/dls

Ref: ID# 462446

Enc. Submitted documents

c: Requestor
(w/o enclosures)