



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 22, 2012

Ms. LeAnn M. Quinn
City Secretary
City of Cedar Park
450 Cypress Creek Road
Cedar Park, Texas 78613

OR2012-16827

Dear Ms. Quinn:

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# 468487 (Cedar Park Reference No. 12-724).

The City of Cedar Park (the "city") received a request for any police reports or calls pertaining to four specified apartments. You state the city does not possess some of the requested information.¹ You also state the city will withhold Texas license plate numbers subject to section 552.130(a)(2) of the Government Code and an e-mail address subject to section 552.137 of the Government Code pursuant to Open Records Decision No. 684 (2009).² You state the city will withhold driver's license and personal identification numbers

¹The Act does not require a governmental body to release information that did not exist when it received a request or to create responsive information. See *Economic Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 555 at 1 (1990), 452 at 3 (1986), 362 at 2 (1983).

²Open Records Decision No. 684 serves as a previous determination to all governmental bodies authorizing them to withhold specific categories of information without the necessity of requesting an attorney general decision, including Texas license plate numbers under section 552.130(a)(2) of the Government Code and e-mail addresses of members of the public under section 552.137 of the Government Code.

pursuant to section 552.130 of the Government Code.³ You also state you will withhold social security numbers pursuant to section 552.147 of the Government Code.⁴ You claim some of the submitted information is excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal investigation that concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A); Open Records Decision No. 434 at 2–3 (1986). You state the information submitted as Exhibit C pertains to a criminal investigation that ended in a result other than a conviction or deferred adjudication. Based on this representation, we agree section 552.108(a)(2) is applicable, and the city may withhold Exhibit C on that basis.

Section 552.130 of the Government Code excepts from disclosure information that relates to a motor vehicle operator's or driver's license, title, or registration, issued by an agency of this state or another state or country. *See* Gov't Code § 552.130(a)(1)-(2). We agree the city must withhold the vehicle identification numbers you have marked, in addition to the information we have marked, in Exhibit B under section 552.130 of the Government Code.

In summary, the city may withhold Exhibit C under section 552.108(a)(2) of the Government Code. The city must withhold the vehicle identification numbers you have marked, in addition to the information we have marked, in Exhibit B under section 552.130 of the Government Code. The remaining information must be released.

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.

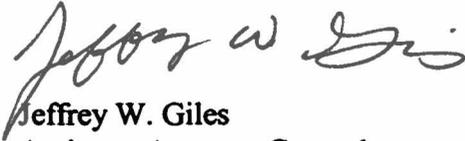
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free,

³Section 552.130 permits a governmental body to redact the information described in subsections 552.130(a)(1) and (a)(3) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e).

⁴Section 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. Gov't Code § 552.147(b).

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,



Jeffrey W. Giles
Assistant Attorney General
Open Records Division

JWG/dls

Ref: ID# 468487

Enc. Submitted documents

c: Requestor
(w/o enclosures)