



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 2, 2012

Ms. Cheryl K. Byles
~~Assistant City Attorney~~
City of Fort Worth
1000 Throckmorton Street
Fort Worth, Texas 76102

OR2012-17567

Dear Ms. Byles:

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# 470663 (Fort Worth PIR No. W019568).

The City of Fort Worth (the "city") received a request for fourteen specified police reports, including laboratory reports. You inform us the city has redacted some of the submitted information pursuant to sections 552.130(c) and 552.147(b) of the Government Code and the previous determination issued under section 552.130(a)(2) in Open Records Decision No. 684 (2009).¹ You also inform us some information either has been or will be released. You claim that portions of the submitted information are excepted from disclosure under sections 552.130 and 552.152 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.130 of the Government Code provides, in part, that information relating to a motor vehicle title or registration issued by an agency of this state, or another state or

¹Section 552.130(c) 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). Open Records Decision No. 684 is a previous determination issued by this office authorizing all governmental bodies to withhold specified categories of information without requesting a decision, including a Texas license plate number under section 552.130(a)(2). Section 552.147(b) authorizes a governmental body to redact a living person's social security number from public release without requesting a decision. *See id.* § 552.147(b).

country, is excepted from public release. Gov't Code § 552.130(a)(2). Accordingly, the city must withhold the information you have marked under section 552.130(a)(2) of the Government Code.

Section 552.152 of the Government Code provides:

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from the requirements of Section 552.021 if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm.

~~*Id.*~~ § 552.152. You inform us the information you have marked in the remaining information under section 552.152 relates to undercover police officers. You state release of this information would subject these officers to a substantial threat of physical harm. Based on your representations and our review, we conclude you have demonstrated release of the information at issue would subject the officers to a substantial threat of physical harm. Therefore, the city must withhold the information you marked in the remaining information under section 552.152 of the Government Code.

In summary, the city must withhold the information you have marked under sections 552.130(a)(2) and 552.152 of the Government Code. The city must release the remaining 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, 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,



Sean Opperman
Assistant Attorney General
Open Records Division

SO/som

Ref: ID# 470663

Enc. Submitted documents

c: Requestor
(w/o enclosures)
