



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 20, 2012

Mr. David V. Overcash
Wolfe, Tidwell & McCoy, L.L.P.
2591 Dallas Parkway, Suite 205
Frisco, Texas 75034

OR2012-18719

Dear Mr. Overcash:

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# 475792 (City File No. C03029PIR20121015-01).

The City of Anna (the "city"), which you represent, received a request for police activity reports for a specified address for a specified time period. You state the city will withhold driver's license numbers pursuant to section 552.130(c) of the Government Code.¹ You claim some of the requested 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.

You claim the information you have marked in report numbers 12-000292 and 12-000433 is excepted from disclosure under section 552.108(a)(1) of the Government Code. Section 552.108(a)(1) 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). Generally, a governmental body claiming section 552.108(a)(1) must reasonably explain how and why the

¹Section 552.130(c) of the Government Code authorizes a governmental body to redact the information described in subsection 552.130(a)(1) 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).

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 report numbers 12-000292 and 12-000433 relate to pending criminal investigations. Based upon your representation and our review, we conclude that the release of the information you have marked in report numbers 12-000292 and 12-000433 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). Thus, the city may withhold the information you have marked in report numbers 12-000292 and 12-000433 under section 552.108(a)(1).

Next, you claim the information you have marked in report number 11-000540 is excepted from disclosure under section 552.108(a)(2) of the Government Code, which excepts from disclosure information concerning an investigation that did not result in conviction or deferred adjudication. *See 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 has concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested). You state report number 11-000540 pertains to an investigation by the city's police department that has concluded and that did not result in conviction or deferred adjudication. Based on your representation and our review, we find that section 552.108(a)(2) is applicable to report number 11-000540. Thus, the city may withhold the information you have marked in report number 11-000540 under section 552.108(a)(2).

Section 552.130 of the Government Code excepts from disclosure information related to a motor vehicle title or registration issued by an agency of this state or another state or country. *See id.* § 552.130(a)(2). The city must withhold the license plate number you have marked in report number 11-000416 under section 552.130.

In summary, the city may withhold the information you have marked in report numbers 12-000292 and 12-000433 under section 552.108(a)(1) of the Government Code and the information you have marked in report number 11-000540 under section 552.108(a)(2) of the Government Code. The city must withhold the license plate number you have marked in report number 11-000416 under section 552.130 of the Government Code.² The city must release the remaining information.

²We note Open Records Decision No. 684 is a previous determination issued by this office authorizing all governmental bodies to withhold certain categories of information without the necessity of requesting a decision, including a Texas license plate number under section 552.130.

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,

A handwritten signature in cursive script, appearing to read "Tamara H. Holland".

Tamara H. Holland
Assistant Attorney General
Open Records Division

THH/ac

Ref: ID# 475792

Enc. Submitted documents

c: Requestor
(w/o enclosures)