



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 27, 2012

Mr. Joe Torres III
Attorney at Law
216 North Texas, Boulevard Suite 2
Alice, Texas 78332

OR2012-18950

Dear Mr. Torres:

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# 476795.

The Alice Police Department (the "department"), which you represent, received a request for information related to specified offenses involving a named individual. You claim the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the information you submitted.

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 prosecution of crime . . . if:

- (1) release of the information would interfere with the detection, investigation, or prosecution of crime; [or]
- (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]".

Gov't Code § 552.108(a)(1)-(2). A governmental body that claims an exception to disclosure under section 552.108 must reasonably explain how and why this exception is applicable to the information at issue. *See id.* § 552.301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). Although you seek to withhold the submitted information under

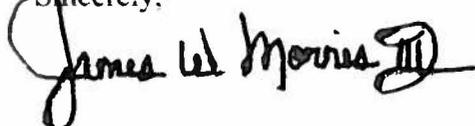
section 552.108, you have not demonstrated that release of the information at issue would interfere with the detection, investigation, or prosecution of crime or that the information at issue is related to a concluded criminal investigation that did not result in a conviction or a deferred adjudication. Therefore, as you have not demonstrated that section 552.108 is applicable in this instance, the department may not withhold any of the submitted information under section 552.108 of the Government Code.

We note some of the submitted information falls within the scope of section 552.130 of the Government Code.¹ Section 552.130 excepts from disclosure information related to a motor vehicle operator's or driver's license or permit or a motor vehicle title or registration issued by an agency of this state or another state or country. *See* Gov't Code § 552.130(a)(1)-(2). The department must withhold the driver's license and motor vehicle information we have marked under section 552.130 of the Government Code.² The department must release the rest of the submitted 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,



James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/bhf

¹This office will raise section 552.130 on behalf of a governmental body, as this section is a mandatory exception to disclosure. *See* Gov't Code §§ 552.007, .352; Open Records Decision No. 674 at 3 n.4 (2001) (mandatory exceptions).

²We note the remaining information includes a social security number. 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.

Ref: ID# 476795

Enc: Submitted documents

c: Requestor
(w/o enclosures)