



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 29, 2012

Mr. R. Brooks Moore
Managing Counsel, Governance
Texas A&M University System
301 Tarrow Street, 6th Floor
College Station, Texas 77480-7896

OR2012-19200

Dear Mr. Moore:

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# 472285 (TAMU Request No. 12-453).

Texas A&M University (the "university") received a request for a specified case report. You claim portions of the submitted information are excepted from disclosure under sections 552.103, 552.108, and 552.130 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108(a)(1) 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 . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]" Gov't Code § 552.108(a)(1). A governmental body must reasonably explain how and why section 552.108 is applicable to the information at issue. *See id.* § 552.301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state, and have submitted documentation confirming, the Brazos County Attorney's office seeks to withhold the information you have marked because it relates to a pending criminal prosecution and release of the information would interfere with that prosecution. Based on your representation and our review of the submitted information, we conclude section 552.108(a)(1) is applicable to the marked information. *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 present in active cases), *writ ref'd n.r.e. per*

¹Although you do not raise section 552.130 of the Government Code in your brief, based on your markings, we understand you to raise this section.

curiam, 536 S.W.2d 559 (Tex. 1976). Accordingly, the university may withhold the information you have marked under section 552.108.²

Section 552.130 of the Government Code excepts from disclosure information that relates to a motor vehicle operator's or driver's license issued by an agency of this state or another state or country. Gov't Code § 552.130(a)(1). Therefore, the university must withhold the information you have marked under section 552.130.

In summary, the university may withhold the information you have marked under section 552.108(a)(1) of the Government Code, and must withhold the information you have marked under section 552.130 of the Government Code. The remaining information must be released.³

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,



Cynthia G. Tynan
Assistant Attorney General
Open Records Division

CGT/akg

²As our ruling for this information is dispositive, we need not address your remaining arguments against its disclosure.

³We note the information being released contains the requestor's driver's license number to which the requestor has a right of access under section 552.023 of the Government Code. See Gov't Code § 552.023(a); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself). Section 552.130(c) of the Government Code authorizes a governmental body to redact information protected by section 552.130(a)(1) without the necessity of requesting a decision under the Act. See Gov't Code § 552.130(c). Therefore, if the university receives another request for the same information from a person who would not have a right of access to the present requestor's private information, section 552.130(c) authorizes the university to redact this requestor's driver's license information without requesting another ruling.

Ref: ID# 472285

Enc. Submitted documents

c: Requestor
(w/o enclosures)