



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 2, 2013

Ms. Teresa J. Brown
Senior Open Records Assistant
City of Plano Police Department
P.O. Box 860358
Plano, Texas 75086-0358

OR2013-00017

Dear Ms. Brown:

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# 479335 (Plano Tracking No. ALVL112712).

The Plano Police Department (the "department") received a request for information pertaining to a specified incident. You state some information has been released to the requestor. You claim that the remaining information is excepted from disclosure under sections 552.108, 552.130, and 552.147 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108(a)(2) 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 . . . 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)(2). 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 the information you have marked is related to a criminal case that did not result in a conviction or a deferred adjudication. Based on your representations and our review, we conclude the department may withhold the information you have marked under section 552.108(a)(2) of the Government Code.

Section 552.130 of the Government Code excepts from disclosure information that relates to a motor vehicle operator's license or driver's license, title, or registration issued by an

¹ Although you do not raise section 552.130 of the Government Code in your brief, we understand you to claim this section based on your markings in the submitted information. Additionally, although you have marked a social security number under section 552.101 of the Government Code, we note that section 552.147 of the Government Code is the proper exception for this information. *See* Gov't Code § 552.147(a).

agency of this state or another state or country. Gov't Code § 552.130(a)(1)-(2). In this instance, the information you have marked belongs to the requestor. We note section 552.130 protects personal privacy. Thus, the requestor has a special right of access to his information pursuant to section 552.023. *See id.* § 552.023. Therefore, the department may not withhold any of the information it has marked under section 552.130 of the Government Code.

Section 552.147 of the Government Code provides “[t]he social security number of a living person is excepted from” required public disclosure under the Act.² *Id.* § 552.147(a). You seek to withhold the social security number of the requestor. However, because section 552.147 protects personal privacy, the requestor has a right of access to his social security number under section 552.023 of the Government Code. Thus, none of the submitted information may be withheld under section 552.147.

In summary, the department may withhold the information you have marked under section 552.108(a)(2) of the Government Code. The department 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,



Paige Lay
Assistant Attorney General
Open Records Division

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²Section 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# 479335

Enc. Submitted documents

cc: Requestor
(w/o enclosures)