



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 25, 2013

Ms. M. Ann Montgomery-Moran  
Assistant Ellis County and District Attorney  
109 South Jackson  
Waxahachie, Texas 75165

OR2013-01480

Dear Ms. Montgomery-Moran:

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# 477473.

The Ellis County Sheriff's Office (the "sheriff's office") received a request for information regarding a specified offense involving a named individual. You claim some of the requested information is excepted from disclosure under sections 552.108, 552.130 and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the information you submitted.

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 to be withheld under section 552.108 is related to a concluded criminal case that did not result in a conviction or a deferred adjudication. Based on your representation, we conclude the sheriff's office may withhold the information you have marked under section 552.108(a)(2) of the Government Code.<sup>1</sup>

Section 552.130 of the Government Code excepts from disclosure information related to a motor vehicle operator's or driver's license or permit or a motor vehicle title or registration

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<sup>1</sup>As we are able to make this determination, we need not address your other claims for this information.

issued by an agency of this state or another state or country. See Gov't Code § 552.130(a)(1)-(2). You also have marked the information the sheriff's office seeks to withhold under this exception. We find some of the marked information does not fall within the scope of section 552.130. We have marked that information, which must be released. We conclude the sheriff's office must withhold the remaining information you have marked under section 552.130 of the Government Code.

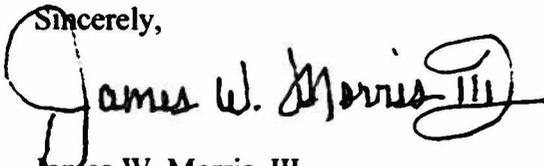
Section 552.147 of the Government Code provides "[t]he social security number of a living person is excepted from" required public disclosure under the Act.<sup>2</sup> *Id.* § 552.147(a). We conclude the sheriff's office may withhold the social security numbers you have marked under section 552.147 of the Government Code.

In summary, the sheriff's office (1) may withhold the information related to the concluded case you have marked under section 552.108(a)(2) of the Government Code; (2) must withhold the driver's license and motor vehicle information you have marked under section 552.130 of the Government Code, except for the information we have marked that does not fall within the scope of section 552.130 and must be released; and (3) may withhold the social security numbers you have marked under section 552.147 of the Government Code. The sheriff's office must also 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](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

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<sup>2</sup>We note section 552.147(b) authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision under the Act.

Ref: ID# 477473

Enc. Submitted information

c: Requestor  
(w/o enclosures)