



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 11, 2013

Ms. Molly Cost
Assistant General Counsel
Texas Department of Public Safety
5805 North Lamar Boulevard, Box 4087
Austin, Texas 78773-0001

OR2013-04050

Dear Ms. Cost:

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# 480958 (DPS PIR# 12-4178).

The Texas Department of Public Safety (the "department") received a request for seven categories of information: (1) videos of all traffic stops in the last 30 days for a named state trooper that resulted in the issuance of a traffic violation citation; (2) videos of all traffic stops in the last 30 days for the named state trooper that resulted in the issuance of a traffic violation warning; (3) videos of all traffic stops in the last 90 days for the named state trooper that resulted in a consent search where no contraband was located; (4) videos of all traffic stops in the last three years for the named state trooper where contraband drugs or currency was located; (5) offense reports of all traffic stops in the last three years by the named state trooper where contraband drugs or currency was located; (6) the total number of traffic violation citations issued by the named state trooper in 2011 and 2012; and (7) the total number of traffic violation citations issued by a specified highway patrol region in 2011 and 2012. You indicate you have released a portion of the submitted information. You claim the remaining submitted 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 representative sample of information.

¹Although you do not raise sections 552.130 and 552.147 of the Government Code in your brief, we understand you to raise these exceptions based on your markings.

Initially, we note you have submitted only an offense report for a traffic stop within the last three years by the named state trooper where contraband drugs or currency was located. You state you have submitted a representative sample of information; however, no portion of the submitted representative sample pertains to the remaining types of information sought in the request. Thus, we find the submitted information is not representative of all the information sought in the request for information. Please be advised this ruling applies to only the types of information you have submitted for our review. Therefore, this ruling does not authorize the withholding of any other requested records to the extent those records contain substantially different types of information than that submitted to this office. *See* Gov't Code § 552.302 (where request for attorney general decision does not comply with requirements of section 552.301, information at issue is presumed public). To the extent any information responsive to the remaining portions of the request existed on the date the department received the request, we assume the department has released it. If the department has not released any such information, it must do so at this time. *See id.* §§ 552.301-.302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to the requested information, it must release information as soon as possible).

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[.]” Gov't Code § 552.108(a)(1). A governmental body claiming section 552.108(a)(1) must reasonably explain how and why release of the requested information would interfere with the detection, investigation, or prosecution of crime. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the submitted information relates to a criminal case that is pending investigation. Based upon your representation and our review, we conclude release of the information you have marked under section 552.108 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 department may withhold the information you have marked under section 552.108(a)(1) of the Government Code.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's or driver's license or permit issued by an agency of Texas or another state or country is excepted from public release. Gov't Code § 552.130(a)(1). We conclude the department must withhold the information you have marked and the additional information we have marked under section 552.130(a)(1) of the Government Code.²

²We note section 552.130(c) of the Government Code authorizes a governmental body to redact, without the necessity of requesting a decision from this office, the motor vehicle record information described in subsection 552.130(a)(1). 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 certain notice to requestor).

Section 552.147 of the Government Code exempts from disclosure the social security number of a living person. *Id.* § 552.147. Upon review, we find the department may withhold the social security number you have marked under section 552.147 of the Government Code.³

The department may withhold the information you have marked under section 552.108(a)(1) of the Government Code. The department must withhold the information you have marked and the additional information we have marked under section 552.130(a)(1) of the Government Code. The department may withhold the social security number you have marked under section 552.147 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,



Lindsay E. Hale
Assistant Attorney General
Open Records Division

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Ref: ID# 480958

Enc. Submitted documents

c: Requestor
(w/o enclosures)

³We note 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. Gov't Code § 552.147(b).

