



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 11, 2013

Mr. Matthew B. Cross  
Assistant City Attorney  
City of El Paso  
P.O. Box 1890  
El Paso, Texas 79950-1890

OR2013-05824

Dear Mr. Cross:

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# 488534.

The El Paso Police Department (the "department") received a request for information pertaining to a specified incident. You state some information will be released to the requestor. You claim the remaining requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note you have marked the requestor's driver's license number and state of issuance for redaction in the information you state you will release. We note 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). We also note you have marked the requestor's social security number for redaction in the information you state you will release. 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. *See id.* § 552.147(b). However, section 552.023 of the Government Code provides an individual has a special right of access, beyond that of the general public, to information concerning herself that is protected from public disclosure by laws intended to protect her privacy interests. *See id.* § 552.023; Open Records Decision

No. 481 at 4 (1987) (privacy theories not implicated when individuals request information concerning themselves). Sections 552.130 and 552.147 protect personal privacy. Therefore, the requestor has a right of access to her driver's license number and state of issuance and social security number under section 552.023 of the Government Code and they may not be withheld from her on the basis of section 552.130 or 552.147 of the Government Code.

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). You state the information at issue relates to a criminal investigation that did not result in conviction or deferred adjudication. Based on your representation and our review of the information at issue, we conclude that section 552.108(a)(2) is applicable to this information. Accordingly, the department may withhold the information at issue under section 552.108(a)(2) of the Government Code.<sup>1</sup>

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,



Tamara H. Holland  
Assistant Attorney General  
Open Records Division

THH/ac

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<sup>1</sup>We note that this requestor has a special right of access under section 552.023 of the Government Code to the information being released. *See* Gov't Code § 552.023(a). Therefore, if the department receives another request for this information from a person who does not have a special right of access to this information, the department should resubmit this same information and request another decision from this office. *See id.* §§ 552.301(a), .302; Open Records Decision No. 673 (2001).

Ref: ID# 488534

Enc. Submitted documents

c: Requestor  
(w/o enclosures)