



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 12, 2013

Ms. Sol M. Cortez  
Assistant City Attorney  
City of El Paso  
2 Civic Center Plaza, 9th Floor  
El Paso, Texas 79901

OR2013-09894

Dear Ms. Cortez:

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# 494727.

The El Paso Police Department (the "department") received a request for information pertaining to a specified case number. You state you have released some of the requested information. You indicate the city will redact a social security number pursuant to section 552.147(b) of the Government Code.<sup>1</sup> You claim the rest of the submitted information is excepted from disclosure under sections 552.101, 552.108, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the information you submitted.

We note you seek to withhold information relating to 9-1-1 callers. In Open Records Letter No. 2003-00708 (2003), this office issued a previous determination to the department authorizing the department to withhold the originating telephone number and address of a 9-1-1 caller furnished to the department by a service supplier established in accordance with chapter 772 of the Health and Safety Code under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code without requesting a decision from this office. See Gov't Code § 552.301(a); Open Records Decision

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<sup>1</sup>Section 552.147(b) authorizes a governmental body to redact a living person's social security number from public release without requesting a decision under the Act.

No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). You indicate the telephone number and address you have marked are the originating telephone number and address of 9-1-1 callers furnished by a service supplier established in accordance with chapter 772. As such, provided the originating telephone number and address at issue were furnished to the department by a service supplier, the department may rely on Open Records Letter No. 2003-00708 as a previous determination and withhold the marked telephone number and address in accordance with the previous determination.

We now address your argument under section 552.108 of the Government Code for the remaining information. Section 552.108(a)(1) 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 claiming section 552.108 must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977).

You state that release of the information at issue will interfere with a pending criminal investigation and/or prosecution. Based on this representation, we find release of the information 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 curium*, 536 S.W.2d 559 (Tex. 1976).

We note, however, section 552.108 does not except from disclosure “basic information about an arrested person, an arrest, or a crime.” Gov’t Code § 552.108(c). Section 552.108(c) refers to the basic “front-page” information held to be public in *Houston Chronicle*, and includes a detailed description of the offense. *See* 531 S.W.2d at 186-187; *see also* Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). We note the information you have indicated will be released does not contain information sufficient to satisfy the requirement that a detailed description of the offense be released. The department must release a sufficient portion of the narratives to encompass a detailed description of the offense. Accordingly, with the exception of the basic information, which must include a sufficient portion of the narrative, the department may withhold the remaining information pertaining to case number 13-044073 under section 552.108(a)(1) of the Government Code.

Section 552.130 of the Government Code excepts from disclosure information related to a motor vehicle title or registration issued by an agency of this state or another state or country. *See* Gov’t Code § 552.130(a)(2). We conclude the department must withhold the motor vehicle information you have marked and the additional motor vehicle information we have marked under section 552.130 of the Government Code.

In summary, provided the originating telephone number and address at issue were furnished to the department by a service supplier, the department may rely on Open Records Letter No. 2003-00708 as a previous determination and withhold the marked telephone number and address in accordance with the previous determination. With the exception of basic information, which the department must release, the department may withhold the remaining information pertaining to case number 13-044073 under section 552.108(a)(1) of the Government Code. The department must withhold the motor vehicle information you have marked and the additional motor vehicle information we have marked under section 552.130 of the Government Code.

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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Paige Lay  
Assistant Attorney General  
Open Records Division

PL/bhf

Ref: ID# 494727

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)