



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 21, 2013

Ms. LeAnn M. Quinn
City Secretary
City of Cedar Park
450 Cypress Creek Road
Cedar Park, Texas 78613

OR2013-10533

Dear Ms. Quinn:

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# 491073 (Cedar Park Ref. No. 13-511).

The City of Cedar Park (the "city") received a request for records of arrests pertaining to the requestor. You state the city will make some of the requested information available to the requestor. You state the city will withhold the information you have marked pursuant to section 552.147(b) of the Government Code.¹ You claim some of the submitted information is excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e) (governmental body must provide comments explaining why exceptions raised should apply to information requested). You state the information in Exhibits C and D relates to concluded cases that did not result in convictions or deferred adjudications. Based on your representation, we conclude the city may withhold the information in Exhibits C and D under section 552.108(a)(2) of the Government Code.

¹We 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. *See* Gov't Code § 552.147(b).

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 this state or another state or country is excepted from public release. *Id.* § 552.130(a)(1). We note the requestor has a right of access to his own driver's license information pursuant to section 552.023 of the Government Code. *See id.* § 552.0232(b) (governmental body may not deny access to person to whom information relates or person's agent on grounds information is considered confidential by privacy principles). Accordingly, with the exception of the requestor's driver's license number, which we have marked for release, the city must withhold the information you have marked in Exhibit B under section 552.130 of the Government Code.

In summary, the city may withhold the information in Exhibits C and D under section 552.108(a)(2) of the Government Code. With the exception of the requestor's driver's license number, which we have marked for release, the city must withhold the information you have marked in Exhibit B under section 552.130 of the Government Code. The remaining information must be released.

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, 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,



David L. Wheelus
Assistant Attorney General
Open Records Division

DLW/dls

Ref: ID# 491073

Enc. Submitted documents

c: Requestor
(w/o enclosures)