



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 28, 2013

Deputy Danie Huffman
Public Information Office
Parker County Sheriff's Office
129 Hogle Street
Weatherford, Texas 76086

OR2013-15030

Dear Deputy Huffman:

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# 497766.

The Parker County Sheriff's Office (the "sheriff's office") received one request for a 9-1-1 recording and a second request for the same 9-1-1 recording and related incident reports. You state you have released some information to the second requestor. You claim that portions of the submitted information are excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted 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 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 9-1-1 recording and the information you have marked pertain to an ongoing criminal investigation. Based on your representation, we conclude release of this 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 present in active cases), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Accordingly, the sheriff's office may withhold the 9-1-1 recording and 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 license, driver's license, motor vehicle title or registration, or a personal identification document issued by an agency of this state or another state or country is excepted from public release.¹ Gov't Code § 552.130. We note section 552.130 protects personal privacy. Thus, the second requestor has a special right of access to her own driver's license and license plate information. *See id.* § 552.023(a) (person or person's authorized representative has special right of access, beyond right of general public, to information held by a governmental body that relates to a person and is protected from public disclosure laws intended to protect person's privacy interests); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning herself). Accordingly, the sheriff's office may not withhold from the second requestor her own driver's license information, but must withhold the driver's license information which does not belong to her under section 552.130. The sheriff's office must also generally withhold the license plate information we have marked under section 552.130. However, it is not clear whether the license plate information belongs to the second requestor. Therefore, to the extent the license plate information belongs to the second requestor, this requestor has a right of access under section 552.023 to the marked license plate information, and the sheriff's office must release this information to this requestor. To the extent the second requestor does not have a right of access to the marked license plate information under section 552.023, the sheriff's office must withhold the marked license plate information under section 552.130 of the Government Code.

In summary, the sheriff's office may withhold the 9-1-1 recording and the information you have marked under section 552.108(a)(1) of the Government Code. The sheriff's office must withhold the marked driver's license information that does not pertain to the second requestor under section 552.130 of the Government Code. The sheriff's office must generally withhold the license plate information we have marked under section 552.130; however, to the extent the second requestor has a right of access to the marked license plate information, the sheriff's office must release this information to the second requestor. The remaining information must be released.²

¹The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

²We note the information being released contains the second requestor's motor vehicle record information and social security number, to which this requestor has a right of access under section 552.023 of the Government Code. *See* Gov't Code §§ 552.023, .130, .147; Open Records Decision No. 481 (1987). Section 552.130(c) of the Government Code allows a governmental body to redact the information described in subsection 552.130(a) without the necessity of seeking a decision from the attorney general. *See* Act of May 6, 2013, 83rd Leg., R.S., S.B. 458, § 1 (to be codified as an amendment to Gov't Code § 552.130(c)). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See* Gov't Code § 552.130(d), (e). 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. *Id.* § 552.147(b). Thus, if the sheriff's office receives another request for this same information from a person who does not have such a right of access, the sheriff's office may redact the second requestor's motor vehicle record information pursuant to section 552.130(c) and

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,



Thana Hussaini
Assistant Attorney General
Open Records Division

TH/som

Ref: ID# 497766

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)

the second requestor's social security number under section 552.147(b) without requesting a decision under the Act.