



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 6, 2013

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

OR2013-15556

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# 498641 (Cedar Park Reference Nos. 13-740 and 13-749).

The City of Cedar Park (the “city”) received two requests for police report number 1306-0145. You state you will release some information to the requestors. You further state the city will withhold social security numbers under section 552.147(b) of the Government Code.¹ You claim portions of the submitted information are 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)(1) 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 . . . 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 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 Exhibit C

¹Section 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).

pertains to a pending criminal investigation by the city's police department. Based on your representation, we conclude the release of Exhibit C 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, section 552.108(a)(1) is applicable to Exhibit C. Therefore, the city may withhold Exhibit C under section 552.108(a)(1) of the Government Code.²

You state the city will withhold the driver's license numbers you marked in Exhibit B pursuant to section 552.130(c). You further state the city will withhold license plate numbers you marked pursuant to Open Records Decision No. 684 (2009). Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold certain information, including Texas license plate numbers under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision. However, the Texas legislature recently amended section 552.130 to allow a governmental body to redact the information described in subsection 552.130(a) of the Government Code, including license plate numbers, without the necessity of seeking a decision from the attorney general. 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). Thus, the statutory amendment to section 552.130 of the Government Code supercedes Open Records Decision No. 684. Therefore, a governmental body may redact information subject to subsection 552.130(a) only in accordance with section 552.130, not Open Records Decision No. 684. You also seek to withhold portions of Exhibit B under section 552.130. 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 personal identification document issued by an agency of this state or another state or country is excepted from public release. *See id.* § 552.130. Upon review, we find a portion of the information you marked does not consist of motor vehicle record information. Thus, with the exception of the information we marked for release, the city must generally withhold the information you marked as well as the information we marked under section 552.130 of the Government Code. However, we note section 552.130 protects privacy. Thus, the second requestor may have a right of access to some of the motor vehicle record information under section 552.023 of the Government Code. *See id.* § 552.023(a) (governmental body may not deny access to person to whom information relates or person's agent on ground that information is considered confidential by privacy principles); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individuals request information concerning themselves). Thus, if the second requestor has a right of access to any of the marked motor vehicle information, the city may not withhold this information from the second requestor. However, with the exception of the information we marked for release,

²As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.

any remaining marked information must be withheld under section 552.130 from the second requestor. To the extent the requestor does not have a right of access under section 552.023, and with the exception of the information we marked for release, the city must withhold the marked information in Exhibit B under section 552.130 of the Government Code. In either case, with the exception of the information we marked for release, the city must withhold the marked information under section 552.130 from the first requestor.

In summary, the city may withhold Exhibit C under section 552.108(a)(1) of the Government Code. To the extent the second requestor does not have a right of access under section 552.023, and with the exception of the information we marked for release, the city must withhold the marked information in Exhibit B under section 552.130 of the Government Code from both requestors. 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,



Paige Thompson
Assistant Attorney General
Open Records Division

PT/eb

Ref: ID# 498641

Enc. Submitted documents

c: Requestors
(w/o enclosures)