



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 20, 2013

Ms. DeeAnna Looney  
Legal Assistant  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR2013-20280

Dear Ms. Looney:

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# 506445 (Texas Department of Public Safety PIR # 13-3509).

The Texas Department of Public Safety (the "department") received two requests for all records pertaining to a specified accident involving the death of a named individual. You state you have released some of the information. 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 representative sample of information.<sup>1</sup>

You state you have provided some information to the requestors with redactions pursuant to section 552.130(c). Section 552.130(c) of the Government Code allows a governmental body to redact the information described in section 552.130(a) without the necessity of seeking a decision from the attorney general. *See Gov't Code § 552.130(c)*. Section 552.130 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

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<sup>1</sup>We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See Open Records Decision Nos. 499 (1988), 497 (1988)*. This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

state or another state or country is excepted from public release. *See* Gov't Code § 552.130. We note that a portion of the information you have redacted pertains to a tractor. A tractor is not a motor vehicle for the purposes of section 552.130. *See* Transp. Code § 501.002(17)(A) (motor vehicle means any motor driven or propelled vehicle required to be registered under state law). Accordingly, the department may not withhold the information you have marked relating to the tractor under section 552.130 of the Government Code.

We further note you have redacted the license plate number of the deceased's vehicle. The purpose of section 552.130 is to protect the privacy interests of individuals. Because the right of privacy lapses at death, motor vehicle record information that pertains solely to a deceased individual may not be withheld under section 552.130. *See Moore v. Charles B. Pierce Film Enters., Inc.*, 589 S.W.2d 489, 491 (Tex. Civ. App.—Texarkana 1979, writ ref'd n.r.e.); *see also Justice v. Belo Broadcasting Corp.*, 472 F. Supp. 145, 146-47 (N.D. Tex. 1979); Attorney General Opinions JM-229, H-917 (1976); Open Records Decision No. 272 at 1 (1981). If a living person owns an interest in the license plate number you have marked, the department must withhold this information under section 552.130 of the Government Code. If no living person owns an interest in the license plate number at issue, the department may not withhold the information under section 552.130, and it must be released.

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 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 the information at issue pertains to an ongoing investigation and the release of potential evidence would interfere with the investigation and prosecution of this case. Based on your representation and our review, we conclude the release of the information you have marked 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). Thus, the department may generally withhold the information you have marked under section 552.108(a)(1).

As you acknowledge, 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). Basic information refers to the information held to be public in *Houston Chronicle*. *See* 531 S.W.2d at 186-88; Open Records Decision No. 127 at 3-4 (1976) (summarizing types of information deemed public by *Houston Chronicle*). Basic information includes, among other things, a detailed description of the offense. *See* 531 S.W.2d at 179-80, 185-87. We note the information you

released to the requestors does not contain information sufficient to satisfy the requirement that a "detailed description of the offense" be released as basic information. *See id.* Therefore, with the exception of a detailed description of the offense, the department may withhold the information you marked under section 552.108(a)(1) of the Government Code.

In summary, the department must release the information you have marked relating to the tractor. To the extent a living person owns an interest in the license plate number of the deceased's vehicle, the department must withhold this information under section 552.130 of the Government Code. Otherwise, this information must be released. With the exception of a detailed description of the offense, the department may withhold the information you marked under section 552.108(a)(1) 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,



Alia K. Plasencia-Bishop  
Assistant Attorney General  
Open Records Division

AKPB/eb

Ref: ID# 506445

Enc. Submitted documents

c: Requestor  
(w/o enclosures)