



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 23, 2014

Mr. Daniel Ortiz  
Assistant City Attorney  
City of El Paso  
P.O. Box 1890  
El Paso, Texas 79950-1890

OR2014-06699

Dear Mr. Ortiz:

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# 520325 (Ref. No. 14-1026-4052).

The El Paso Police Department (the "department") received a request for information pertaining to report number 13-256018. The department claims the submitted information is excepted from disclosure under sections 552.103 and 552.108 of the Government Code.<sup>1</sup> We have considered the exceptions the department claims 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 government body claiming section 552.108 must reasonably explain how and why release of the requested information would interfere with law enforcement. *See* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). The department states the information

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<sup>1</sup>Although the department asserts section 552.101 of the Government Code, it provided no arguments for withholding under this exception as required by section 552.301(e) of the Government Code. Gov't Code § 552.301(e). Thus, the department may not withhold the information pursuant to section 552.101. *See id.* § 552.302.

relates to an open investigation. We note, however, the information includes a DIC-24 statutory warning and a DIC-25 notice of suspension. The arrestee received copies of these forms. We find the department has not explained how releasing this information, which it has already provided to the arrestee, would interfere with the detection, investigation, or prosecution of crime. *See* Gov't Code § 552.108(a)(1). Accordingly, the department may not withhold the DIC-24 and DIC-25 forms under section 552.108(a)(1). However, based on the submitted representations and our review, we conclude the release of the remaining 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 curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, section 552.108(a)(1) is applicable to the remaining information.

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). Basic information refers to the basic “front-page” information held to be public in *Houston Chronicle*. *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). Accordingly, with the exception of the DIC-24 and DIC-25 forms and basic information, the department may withhold the submitted information under section 552.108(a)(1) of the Government Code.<sup>2</sup>

Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle operator's or driver's license or permit, a motor vehicle title or registration, or a personal identification document issued by an agency of this state or another state or country. Gov't Code § 552.130(a). Thus, the department must withhold the driver's license number in the DIC-24 and DIC-25 forms under section 552.130.<sup>3</sup>

In summary, except for the driver's license number in the DIC-24 and DIC-25 forms, which the department must withhold under section 552.130 of the Government Code, the department must release the DIC-24 and DIC-25 forms. Except for basic information, the department may withhold the remaining submitted information under section 552.108(a)(1) of the Government Code.

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<sup>2</sup>Because section 552.108 is dispositive, we do not address section 552.103 except to note generally, basic information may not be withheld from public disclosure under section 552.103. Open Records Decision No. 597 (1991).

<sup>3</sup>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). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e).

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,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/sdk

Ref: ID# 520325

Enc: Submitted documents

c: Requestor  
(w/o enclosures)