



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 30, 2014

Mr. Greg Oelke  
Counsel for the Dalhart Police Department  
Hunter & Oelke, P.C.  
P.O. Box 792  
Dalhart, Texas 79022

OR2014-07203

Dear Mr. Oelke:

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# 526130.

The Dalhart Police Department (the "department"), which you represent, received a request for all records pertaining to a specified arrest. You claim the submitted information is excepted from disclosure under sections 552.108 and 552.117 of the Government Code.<sup>1</sup> 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 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). We note the submitted information includes a citation and a DIC-24 statutory warning. Because a copy of the citation and the DIC-24 statutory warning were provided to the individuals at issue, we find release of the citation and the DIC-24 statutory warning will not interfere with the detection, investigation,

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<sup>1</sup>Although you do not cite to section 552.117 of the Government Code in your brief to this office, we understand you to raise section 552.101 based on the substance of your arguments.

or prosecution of crime. *See* Gov't Code § 552.108(a)(1). Therefore, the department may not withhold citation or the DIC-24 statutory warning under section 552.108(a)(1). You state the remaining information relates to a pending criminal prosecution. Based on this representation, we conclude the 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. 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 information held to be public in *Houston Chronicle*. *See Houston Chronicle*, 531 S.W.2d at 186-88. The department must release basic information, even if the information does not literally appear on the front page of an offense or arrest report. *See* Open Records Decision No. 127 at 3-4 (1976) (summarizing types of information deemed public by *Houston Chronicle*). Thus, with the exception of the citation, the DIC-24 statutory warning, and basic information, the department may withhold the submitted information under section 552.108(a)(1) of the Government Code.<sup>2</sup>

We note the citation and the DIC-24 statutory warning contain information subject to section 552.130 of the Government Code.<sup>3</sup> Section 552.130 excepts from disclosure information relating to a motor vehicle operator's or driver's license or permit or a motor vehicle title or registration issued by an agency of this state or another state or country. *See* Gov't Code § 552.130(a)(1)-(2). We note the driver's license information in the citation belongs to the requestor's client. Because section 552.130 protects personal privacy, the requestor has a right of access to his client's motor vehicle information under section 552.023 of the Government Code. *See id.* § 552.023(a); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself). Therefore, the department must withhold the motor vehicle record information not pertaining to the requestor's client, which we have marked, in the DIC-24 statutory warning under section 552.130 of the Government Code.<sup>4</sup>

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

<sup>3</sup>The 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).

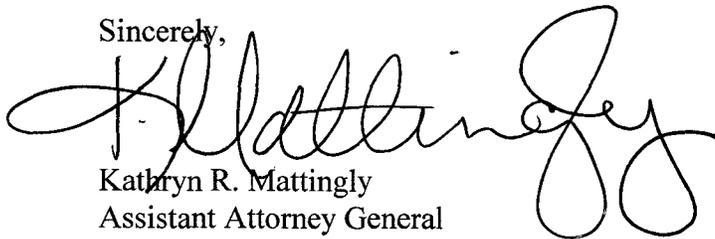
<sup>4</sup>Section 552.130(c) of the Government Code allows a governmental body to redact the information described in subsection 552.130(a) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e).

In summary, with the exception of citation, the DIC-24 statutory warning, and basic information, the department may withhold the submitted information under section 552.108(a)(1) of the Government Code.<sup>5</sup> In releasing the DIC-24 statutory warning, the department must withhold the information we have marked under section 552.130 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,



Kathryn R. Mattingly  
Assistant Attorney General  
Open Records Division

KRM/bhf

Ref: ID# 526130

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>5</sup>We note basic information includes an arrested person's social security number. 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. Gov't Code § 552.147(b).