



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 14, 2014

Sergeant Alex Arnold
Northlake Police Department
1400 FM 407
Northlake, Texas 76247

OR2014-08231

Dear Sergeant Arnold:

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# 522879.

The Northlake Police Department (the "department") received a request for information relating to a specified incident. You claim the submitted information is excepted from disclosure under sections 552.101, 552.108, 552.130, 552.136, and 552.147 of the Government Code.¹ 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). You indicate release of the submitted information will interfere with a pending criminal case. We note, however, that the information at issue includes a DIC-24 statutory warning and

¹Although you also raise section 552.022 of the Government Code, we note section 552.022 is not an exception to disclosure, but a list of categories of information that are not excepted from disclosure unless they are expressly confidential under the Act or other law. *See* Gov't Code § 552.022.

a DIC-25 notice of suspension. The department provided copies of these forms to the arrestee. You have not explained how releasing this information, which has already been seen by the arrestee, would interfere with law enforcement or prosecution. Therefore, the DIC-24 and DIC-25 forms may not be withheld under section 552.108. However, based on your representation, we conclude section 552.108(a)(1) is applicable to the remaining information.

Additionally, 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 Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). 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.

We note basic information includes an arrestee's social security number. You seek to withhold this information under section 552.147 of the Government Code. Section 552.147 provides that "[t]he social security number of a living person is excepted from" required public disclosure under the Act. Gov't Code. § 552.147(a). Therefore, the department may withhold the arrestee's social security number under section 552.147(a).

We understand you to raise section 552.101 of the Government Code in conjunction with the ruling in *Texas Comptroller of Public Accounts v. Attorney General of Texas*, 354 S.W.3d 336 (Tex. 2010), for the dates of birth contained in the remaining information. In *Texas Comptroller*, the Texas Supreme Court held section 552.102(a) of the Government Code excepts from disclosure the dates of birth of state employees in the payroll database of the Texas Comptroller of Public Accounts. 354 S.W.3d at 336. Accordingly, *Texas Comptroller* applies only to a public employee's birth date maintained by the employer in an employment context. In this instance, the birth date at issue does not belong to a public employee and is not held by the department in an employment context. Therefore, we conclude the department may not withhold the date of birth in the DIC-24 and DIC-25 forms under section 552.101 of the Government Code on the basis of the ruling in *Texas Comptroller*.

Section 552.130 of the Government Code provides that information relating to a motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country is excepted from public release. *See* Gov't Code § 552.130. Accordingly, the department must withhold the information we have marked in the DIC-24 and DIC-25 forms under section 552.130 of the Government Code.

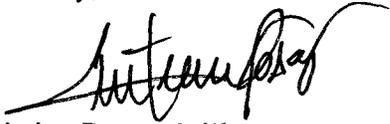
In summary, except for the information we have marked under section 552.130 of the Government Code, the DIC-24 and DIC-25 forms must be released. Except for basic information, the department may withhold the remaining submitted information under

section 552.108(a)(1) of the Government Code.² In releasing basic information, the department may withhold the arrestee's social security number under section 552.147(a) 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, 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,



Cristian Rosas-Grillet
Assistant Attorney General
Open Records Division

CRG/dls

Ref: ID# 522879

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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