



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 24, 2014

Mr. Andrew B. Thompson, J.D.
Assistant General Counsel
Corpus Christi Independent School District
P.O. Box 110
Corpus Christi, Texas 78403-0110

OR2014-17003

Dear Mr. Thompson:

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# 537348.

The Corpus Christi Independent School District (the "district") received a request for information pertaining to an investigation of and the entire disciplinary file regarding the requestor's client and any rules as to procedure and/or presentation of an appeal. The district states it will release some of the requested information. The district claims the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception the district claims and reviewed the submitted information.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e) (governmental body must provide comments explaining why exceptions raised should apply to information requested). The district asserts the submitted information relates to criminal investigations that did not result in a conviction or deferred adjudication. We note the information relating to case number 14-001086 pertains to an investigation by the district's police department. Based on the district's representation and our review of the

information at issue, we find section 552.108(a)(2) is applicable to the information relating to case number 14-001086.

However, we note the remaining information consists of information relating to investigations by the Corpus Christi Police Department (the "department"). Section 552.108 may be invoked by the proper custodian of information relating to an investigation or prosecution of criminal conduct. *See* Open Records Decision Nos. 474 at 4-5 (1987), 372 (1983). Where an agency is in the custody of information that would otherwise qualify for exception under section 552.108 as information relating to the case of a different law enforcement agency, the custodian of the records may withhold the information only if it provides this office with (1) a demonstration that the information relates to the case, and (2) a representation from the entity with the law enforcement interest stating that entity wishes to withhold the information. However, the district has not provided this office with a representation from the department that it wishes to withhold the remaining information. Accordingly, the district has failed to demonstrate section 552.108(a)(2) of the Government Code is applicable to the remaining information, and the district may not withhold any portion of the remaining information on that basis.

Section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. *Id.* § 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). *See* Open Records Decision No. 127 (1976) (summarizing types of information made public by *Houston Chronicle*). Thus, with the exception of basic information, the district may withhold the information relating to case number 14-001086 under section 552.108(a)(2) of the Government Code.¹

We note the remaining information contains information subject to section 552.130 of the Government Code, which provides information relating to a motor vehicle operator's or 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.² Gov't Code § 552.130(a). Upon review, we find the district must withhold the motor vehicle record information we have marked under section 552.130 of the Government Code.

In summary, with the exception of basic information, which must be released, the district may withhold the information relating to case number 14-001086 under section 552.108(a)(2) of the Government Code. The district must withhold the motor vehicle

¹As our ruling is dispositive, we need not address your remaining argument against disclosure.

²The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body. Open Records Decision No. 481 (1987), 480 (1987), 470 (1987).

record information we have marked under section 552.130 of the Government Code. The district must release the remaining information.³

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,



David L. Wheelus
Assistant Attorney General
Open Records Division

DLW/bhf

Ref: ID# 537348

Enc. Submitted documents

c: Requestor
(w/o enclosures)

³We note the requestor has a special right of access to motor vehicle record information being released in this instance. *See* Gov't Code § 552.023(a) (governmental body may not deny access to person to whom information relates, or that party's representative, solely on grounds that information is considered confidential by privacy principles). 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 id.* § 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). Accordingly, if the district receives another request for this information from a requestor who does not have such a right of access, section 552.130(c) authorizes the district to redact the motor vehicle record information at issue without the necessity of requesting a decision under the Act.