



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 13, 2014

Ms. Captoria Brown
Paralegal
Office of the City Attorney
City of Carrollton
1945 East Jackson Road
Carrollton, Texas 75006

OR2014-20654

Dear Ms. Brown:

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# 543080 (City ID# 3435).

The City of Carrollton (the "city") received a request for a specified arrest report. You state you have released some information to the requestor. You claim portions of the submitted information are excepted from disclosure under sections 552.108, 552.130, and 552.147 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

You generally claim section 552.108(b)(1) of the Government Code for portions of the submitted information. Section 552.108(b)(1) of the Government Code excepts from disclosure "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution . . . if . . . release of the internal record or notation would interfere with law enforcement or prosecution[.]" Gov't Code § 552.108(b)(1); *see City of Fort Worth v. Cornyn*, 86 S.W.3d at 327 (Gov't Code § 552.108(b)(1) protects information that, if released, would permit private citizens to anticipate weaknesses in police department, avoid detection,

¹Although you do not raise section 552.147 of the Government Code in your brief, we understand you to raise this exception based on your markings.

jeopardize officer safety, and generally undermine police efforts to effectuate state laws). A governmental body claiming subsection 552.108(b)(1) must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* § 552.108(b)(1); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You have not explained how release of the information you have marked would interfere with law enforcement. Thus, we find you have failed to demonstrate the applicability of subsection 552.108(b)(1) to the information you have marked, and the city may not withhold it under section 552.108(b)(1) of the Government Code.

Section 552.130 of the Government Code 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. Gov't Code § 552.130(a). Upon review, we find the city must generally withhold the motor vehicle record information we have marked under section 552.130 of the Government Code.

Section 552.147(a) of the Government Code excepts the social security number of a living individual from public disclosure. *Id.* § 552.147. Upon review, we find the city may generally withhold the social security number you have marked under section 552.147 of the Government Code.

However, we note the requestor may be the spouse and authorized representative of the individual whose privacy interests are at issue. Thus, the requestor may have a right of access to the information implicating that individual's privacy interests. *See id.* § 552.023(a) ("person's authorized representative has special right of access, beyond right of general public, to information held by governmental body that relates to person and that is protected from public disclosure by laws intended to protect that person's privacy interests"); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself). Accordingly, if the requestor is acting as the authorized representative of the individual at issue, then the city may not withhold any portion of the marked information from this requestor under sections 552.130 and 552.147 of the Government Code, and, instead, must release the submitted information in its entirety. However, if the requestor is not acting as the authorized representative of the individual, then the city must withhold the information we have marked under section 552.130 and the city may withhold the information you have marked under section 552.147, but must release the remaining information.

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,



Lee Seidlits
Assistant Attorney General
Open Records Division

CLS/som

Ref: ID# 543080

Enc. Submitted documents

c: Requestor
(w/o enclosures)