



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 23, 2014

Ms. LeAnn M. Quinn  
City Secretary  
City of Cedar Park  
450 Cypress Creek Road  
Cedar Park, Texas 78613

OR2014-23325

Dear Ms. Quinn:

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# 550480 (City Ref. No. 15-087).

The City of Cedar Park (the "city") received a request for information pertaining to a specified car accident, including all 9-1-1 calls, video, and call reports. You state you will release some of the information to the requestor, including the basic information and a copy of the CR-3 accident report form. *See* Transp. Code § 550.065(c)(4), (d) (officer's accident report must be released to person who provides two of the following three pieces of information: date of accident, name of any person involved in accident; specific location of accident). We understand you will redact information pursuant to section 552.136(c) of the Government Code and a social security number pursuant to section 552.147(b) of the Government Code.<sup>1</sup> You claim portions of the remaining information are excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

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<sup>1</sup>Section 552.136(c) of the Government Code allows a governmental body to redact the information described in section 552.136(b) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.136(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.136(e). *See id.* § 552.136(d), (e). 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. *See id.* § 552.147(b).

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 state Exhibit C relates to a pending prosecution by the Williamson County District Attorney’s Office (the “district attorney’s office”). You have also submitted a letter from the district attorney’s office objecting to the release of this information on the basis of the pending prosecution. Based upon these representations, we conclude release of Exhibit C 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). Accordingly, we find the city may withhold Exhibit C under section 552.108(a)(1) of the Government Code.<sup>2</sup>

You inform us you will redact the motor vehicle record information you have marked under section 552.130(c) of the Government Code.<sup>3</sup> Section 552.130 of the Government Code provides information relating to a motor vehicle operator’s license, driver’s license, motor vehicle title or registration, or a 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. Upon review, we find the city must withhold the information you have marked and the additional information we have marked and indicated in Exhibit B under section 552.130 of the Government Code.

In summary, the city may withhold Exhibit C under section 552.108 of the Government Code. The city must withhold the information you have marked and the additional information we have marked and indicated in Exhibit B under section 552.130 of the Government Code. The remaining information in Exhibit B must be released.<sup>4</sup>

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<sup>2</sup>As our ruling is dispositive, we do not address your other argument to withhold this information.

<sup>3</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).

<sup>4</sup>We note the information being released contains information to which the requestor has a right of access. *See* Gov’t Code § 552.023(a); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individuals request information concerning themselves). Accordingly, if the city receives another request for this same information from a person who does not have such a right of access, section 552.130(c) authorizes the city to redact the requestor’s clients’ motor vehicle record information without

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,



Brian E. Berger  
Assistant Attorney General  
Open Records Division

BB/ac

Ref: ID# 550480

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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the necessity of requesting a decision under the Act.