



August 30, 1999

Mr. Darrell G-M Noga
Cooper & Scully
Founders Square
900 Jackson Street, Suite 100
Dallas, Texas 75202

OR99-2430

Dear Mr. Noga:

On behalf of the City of Coppell (the “city”), you ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 127448.

The city received a request for a copy of a particular incident report. You claim that the requested information is excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed a representative sample of the information at issue.¹

You contend that all information in the requested incident report except that appearing on the first page is protected from disclosure by section 552.108(a)(2). Section 552.108(a)(2) excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication.” A governmental

¹We assume that the “representative sample” of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal investigation that has concluded in a final result other than conviction or deferred adjudication. We understand from your letter that the requested information relates to a case that has concluded in a final result other than conviction or deferred adjudication. If this is the case, then section 552.108(a)(2) is applicable to the some of the requested information.

We note, however, that information normally found on the front page of an offense report is generally considered public. *See generally* Gov't Code § 552.108(c); *Houston Chronicle Publ'g 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); Open Records Decision No. 127 (1976). Thus, you must release the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the offense report. You state that you have released the first page of the incident report, but the first page does not include all of the information that you are required to release. For example, the first page of the incident report does not include the identification and description of the complainant. We have enclosed a summary of the Open Records Decision No. 127 which lists the types of information that you must release. You may withhold the remaining information from disclosure under section 552.108(a)(2), if the information relates to a case that has concluded in a result other than conviction or deferred adjudication.

You contend that the license plate numbers in the submitted documents are excepted from disclosure under section 552.130. Section 552.130 provides:

(a) Information is excepted from the requirements of Section 552.021 if the information relates to:

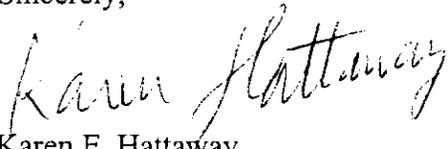
- (1) a motor vehicle operator's or driver's license or permit issued by an agency of this state;
- (2) a motor vehicle title or registration issued by an agency of this state; or
- (3) a personal identification document issued by an agency of this state or a local agency authorized to issue an identification document.

Gov't Code § 552.130. Vehicle identification numbers and license plate numbers are excepted from disclosure to the general public under section 552.130(a)(2) because they relate to motor vehicle titles and registrations issued by this state. The submitted documents include the vehicle identification number and license plate number of the requestor's car and the license plate number of a second car. The requestor has a right of access to the vehicle

identification number and license plate number for his own vehicle, and therefore, this information should be included in the information you release to the requestor. Gov't Code § 552.023 (person has a special right of access to information held by a governmental body that relates to the person and that is protected from public disclosure by a law intended to protect that person's privacy interests); Open Records Letter No. 99-1322 (1999) (section 552.130 is intended to protect individual privacy interests). The license plate number for the second vehicle is excepted from disclosure under section 552.130 and must be withheld.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 127448

Encl. Submitted documents, Summary of Open Records Decision No. 127 (1976)

cc: Mr. Chip Burgard
5827 Velasco
Dallas, Texas 75206
(w/o Submitted documents, w/Summary of Open Records Decision No. 127
(1976))

SUMMARY OF OPEN RECORDS DECISION NO. 127 (1976)

I. TYPES OF INFORMATION AVAILABLE TO THE PUBLIC

1. Arrestee's social security number, name, aliases, race, sex, age, occupation, address, police department identification number, and physical condition
2. Offense for which suspect arrested
3. Identification and description of complainant
4. Location of crime
5. Time of occurrence
6. Vehicle involved
7. Property involved
8. Detailed description of offense
9. Names of arresting officers
10. Date and time of arrest
11. Place of arrest
12. Details of arrest
13. Description of weather
14. Booking information
15. Court in which charge is filed
16. Notation of any release or transfer
17. Bonding information
18. Numbers for statistical purposes relating to modus operandi of those apprehended

II. TYPES OF INFORMATION PROTECTED BY SECTION 552.108

1. Identification and description of witnesses
2. Synopsis of confession
3. Officer's speculation as to suspect's guilt
4. Officer's view of witness credibility
5. Statements by informants
6. Ballistics reports
7. Fingerprint comparisons
8. Blood and other lab tests
9. Results of polygraph test
10. Refusal to take polygraph test
11. Paraffin test results
12. Spectrographic or other investigative reports
13. Personal History and Arrest Record, including
 - A. Identifying numbers (such as TDC numbers)
 - B. Physical description with emphasis on scars and tattoos
 - C. Marital status and relatives
 - D. Mugshots, palm prints, fingerprints, and signature
 - E. Chronological history of any arrests and disposition

See Open Records Decision No. 127 (1976).