



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

January 22, 2009

Mr. Samuel D. Hawk
Assistant City Attorney
Criminal Law and Police Division
1400 South Lamar
Dallas, Texas 75215

OR2009-00892

Dear Mr. Hawk:

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# 332728 (ORR# 2008-7550).

The Dallas Police Department (the "department") received a request for all offense reports for two specified locations during a particular time period. You claim that portions of the requested information are excepted from disclosure under sections 552.101, 552.108, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information made confidential by statute, such as section 261.201(a) of the Family Code. Section 261.201(a) provides as follows:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

Fam. Code § 261.201(a). You have marked a report in the submitted information concerning an investigation of alleged abuse or neglect of a child under section 261.201. *See id.* § 261.001 (defining “abuse” and “neglect” for purposes of chapter 261 of the Family Code). Upon review, we find that this information falls within the scope of section 261.201. Additionally, there is no indication that the department has adopted a rule governing the release of this type of information. Therefore, we assume no such regulation exists. Given that assumption, the information you have marked is confidential pursuant to section 261.201 of the Family Code. *See* Open Records Decision No. 440 at 2 (1986) (construing predecessor statute). Thus, the department must withhold the information you have marked under section 552.101 of the Government Code in conjunction with section 261.201 of the Family Code.

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.” 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* Gov’t Code §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state that the information you have marked under section 552.108 relates to pending criminal investigations. Based on this representation, we conclude that the release of this information 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), *writ ref’d n.r.e.*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases). Thus, the department may withhold the information you have marked under section 552.108(a)(1).

We note, however, that 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*. *See Houston Chronicle*, 531 S.W.2d at 186-88. Basic information includes, among other things, the arrestee’s name, social security number, alias, race, sex, age, and address. *See id.* at 179-180, 185-87; *see also* Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). The arrestee’s aliases you have marked constitute basic information for the purposes of section 552.108(c) and *Houston Chronicle* and may not be withheld. Thus, with the exception of basic information, the department may withhold the information you have marked under section 552.108 of the Government Code.

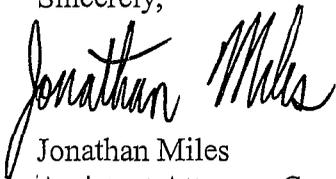
Section 552.130 of the Government Code excepts from disclosure information that “relates to . . . a motor vehicle operator’s or driver’s license or permit issued by an agency of this state [or] a motor vehicle title or registration issued by an agency of this state.” Gov’t Code § 552.130. We note that some of the information you have marked under section 552.130 does not constitute Texas motor vehicle record information for the purpose of section 552.130. This information, which we have marked for release, may not be withheld under section 552.130. Accordingly, the department must withhold the Texas motor vehicle record information you have marked, except where we have marked for release, under section 552.130 of the Government Code.

In summary, the department must withhold the information you have marked under section 552.101 in conjunction with section 261.201 of the Family Code. With the exception of the basic front page offense and arrest information, the department may withhold the information you have marked under section 552.108(a)(1) of the Government Code. With the exception of the information we have marked for release, the department must withhold the Texas motor vehicle information you have marked under section 552.130 of the Government Code. The remaining information must be released to the requestor.¹

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.oag.state.tx.us/open/index_orl.php, 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Jonathan Miles
Assistant Attorney General
Open Records Division

JM/cc

¹We note basic information includes an arrestee’s social security number. 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 under the Act.

Ref: ID# 332728

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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Section 552.130 of the Government Code excepts from disclosure information that "relates to . . . a motor vehicle operator's or driver's license or permit issued by an agency of this state [or] a motor vehicle title or registration issued by an agency of this state." Gov't Code § 552.130. We note that some of the information you have marked under section 552.130 does not constitute Texas motor vehicle record information for the purpose of section 552.130. This information, which we have marked for release, may not be withheld under section 552.130. Accordingly, the department must withhold the Texas motor vehicle record information you have marked, except where we have marked for release, under section 552.130 of the Government Code.

In summary, the department must withhold the information you have marked under section 552.101 in conjunction with section 261.201 of the Family Code. With the exception of the basic front page offense and arrest information, the department may withhold the information you have marked under section 552.108(a)(1) of the Government Code. With the exception of the information we have marked for release, the department must withhold the Texas motor vehicle information you have marked under section 552.130 of the Government Code. The remaining information must be released to the requestor.¹

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.

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