



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 18, 2009

Ms. P. Armstrong
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
1400 South Lamar
Dallas, Texas 75215

OR2009-02100

Dear Ms. Armstrong:

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# 337357 (DPD ID# 2008-9000).

The Dallas Police Department (the "department") received a request for a specified police report. You claim that portions of the submitted information are excepted from disclosure under sections 552.108, 552.130, and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

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.

Section 552.108 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 must reasonably explain how and why section 552.108 is applicable to the information at issue. *See id.* § 552.301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You represent that the submitted information is related to a pending prosecution. Based on your representation, we conclude that section 552.108(a)(1) is applicable in this instance. *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. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases). You may withhold the information you have marked pursuant to section 552.108 of the Government Code.

Section 552.130 of the Government Code excepts from disclosure information that relates to a driver’s license or license plate issued by an agency of this state. *See* Gov’t Code § 552.130(a)(1). Pursuant to section 552.130 of the Government Code, you must withhold the motor vehicle information you have marked. We note the report also contains a Texas license plate number, which we have marked, that must also be withheld pursuant to section 552.130 of the Government Code.

You claim that the arrestee’s social security number is excepted from public disclosure under section 552.147 of the Government Code, which provides that “[t]he social security number of a living person is excepted from” required public disclosure under the Act.² Gov’t Code § 552.147(a). We agree that the department may withhold the arrestee’s social security number under section 552.147 of the Government Code.

In summary, the department may withhold the information it has marked pursuant to section 552.108(a)(1). The department must withhold the marked motor vehicle information pursuant to section 552.130 of the Government Code. The department may withhold the arrestee’s social security number pursuant to section 552.147 of the Government Code. The remaining information must be released.

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,

²We note that 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.

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,

A handwritten signature in black ink that reads "Karen Stack". The signature is written in a cursive, slightly slanted style.

Karen E. Stack
Assistant Attorney General
Open Records Division

KES/eb

Ref: ID# 337357

Enc. Submitted documents

c: Requestor
(w/o enclosures)