



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 27, 2009

Mr. Joseph Gorfida, Jr.
Assistant City Attorney
City of Richardson
P. O. Box 831078
Richardson, Texas 75083-1078

OR2009-03965

Dear Mr. Gorfida:

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# 338264 (File #09-019).

The Richardson Police Department (the "department") received a request for eleven categories of information pertaining to a specified motor vehicle accident. We note that you have released a portion of the requested information, including basic information, pertaining to incident report number 08-12654. *See* Gov't Code § 552.108(c) (basic information about an arrested person, and arrest, or a crime is not excepted under section 552.108); *see also* Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). You claim that the submitted information in Exhibit C is excepted from disclosure under sections 552.108, 552.130, and 552.137 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note that the request seeks eleven categories of information pertaining to the accident. However, you have not submitted any information responsive to categories 6, 7, 8, 9, 10, and 11. Thus, to the extent any information responsive to these categories of the request existed on the date the department received this request, we assume you have released it. If you have not released any such information, you must do so at this

time. See Gov't Code §§ 552.301(a), .302; see also Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

You assert that Exhibit C is excepted from disclosure under section 552.108 of the Government 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), 552.301(e)(1)(A); see also *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state that the submitted information relates to a pending criminal investigation. 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. 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, with the exception of basic information, which we understand you have released, the department must withhold Exhibit C under section 552.108(a)(1) of the Government Code. As our ruling is dispositive for this information, we need not address your remaining arguments against disclosure.

We note that portions of Exhibit B, which you state you will release, contain Texas motor vehicle record information. Section 552.130 provides that information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by a Texas agency is excepted from public release. Gov't Code § 552.130(a)(1), (2). The department must withhold the Texas motor vehicle record information we have marked in Exhibit B under section 552.130.

In summary, with the exception of basic information, which we understand you have released, the department must withhold Exhibit C under section 552.108(a)(1) of the Government Code. The department must also withhold the Texas motor vehicle record information we have marked in Exhibit B under section 552.130.

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,

A handwritten signature in black ink, appearing to read 'Adam Léiber', is written over a horizontal dashed line.

Adam Léiber
Assistant Attorney General
Open Records Division

ACL/jb

Ref: ID# 338264

Enc. Submitted documents

c: Requestor
(w/o enclosures)