



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

April 15, 2009

Ms. LeAnn M. Quinn, TRMC
City Secretary
City of Cedar Park
600 North Bell oulevard
Cedar Park, Texas 78613

OR2009-04980

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# 344621 (your ID# 09-093).

The City of Cedar Park (the "city") received a request for information pertaining to specified incidents involving the requestor and another named individual. You claim that the submitted police reports 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 information.

Initially, we note that a portion of Exhibit D, which we have marked, is not responsive to the instant request for information because it was created after the date of the request. This ruling does not address the public availability of any information that is not responsive to the request, and the city is not required to release the marked information within Exhibit D in response to the request.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Gov't Code § 552.108(a)(2). A governmental 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 a conviction or deferred adjudication. In this instance, you represent to this office that Exhibit C and the responsive

information within Exhibit D pertains to a concluded criminal investigation that ended in a result other than conviction or deferred adjudication. Based on your representation and our review, we conclude that Exhibit C and the responsive information within Exhibit D may be withheld under section 552.108(a)(2) of the Government Code.¹

We note section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. *Id.* § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle Publishing 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), and includes a detailed description of the offense, even if the information does not literally appear on the front page of an offense or arrest report. With the exception of basic information, the city may withhold Exhibit C and the responsive information within Exhibit D under section 552.108(a)(2) of the Government Code.

You contend that some of the information you have marked in Exhibit B is subject to section 552.130 of the Government Code. Section 552.130 provides that information relating to a motor vehicle operator's license or driver's license issued by a Texas agency is excepted from public release. Gov't Code § 552.130(a)(1). We note that section 552.130 of the Government Code protects personal privacy. Thus, the requestor has a right of access to her own driver's license information under section 552.023, and it may not be withheld under section 552.130. *See id.* § 552.023(b) (governmental body may not deny access to person to whom information relates, or that person's representative, solely on grounds that information is considered confidential by privacy principles). We have marked the requestor's driver's license information for release. The city must withhold the remaining Texas driver's license numbers you have marked in Exhibit B under section 552.130 of the Government Code.

Section 552.147 of the Government Code provides that "[t]he social security number of a living person is excepted from" required public disclosure under the Act. *Id.* § 552.147. The city may withhold the social security numbers you have marked in Exhibit B pursuant to section 552.147. We note, however, the requestor in this instance also has a right of access to her own social security number pursuant to section 552.023 of the Government Code. *Id.* § 552.023. Therefore, except for the requestor's social security number, the city may withhold the social security numbers within Exhibit B pursuant to section 552.147(b).

In summary, except for basic information, the city may withhold Exhibit C and the responsive information within Exhibit D under section 552.108(a)(2) of the Government Code. Except for the information we marked for release, the city must withhold the information you marked within Exhibit B under section 552.130 of the Government Code. Except for the information we marked for release, the city may withhold the information you

¹As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.

marked within Exhibit B under section 552.147 of the Government Code. The remaining information within Exhibit B must be released.²

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,



Reg Hargrove
Assistant Attorney General
Open Records Division

RJH/eeg

Ref: ID# 344621

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²We note that because the requestor has a special right of access to this information in this instance, the city must again seek a decision from this office if it receives another request for the same information from another requestor.