



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 29, 2009

Captain MW Morgan  
Parker County Sheriff's Office  
129 Hogle Street  
Weatherford, Texas 76086

OR2009-05701

Dear Captain Morgan:

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# 341443.

The Parker County Sheriff's Office (the "sheriff") received a request for incident reports regarding a specified business and a specified address. You state you have released most of the responsive information. 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.<sup>1</sup> We have considered the exceptions you claim and reviewed the submitted information.

You assert the information you have marked in case numbers 2004-11559 and 2007-04215 is subject to section 552.108(a)(1) of the Government Code, which 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 claiming section 552.108 must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You have marked the information that you seek to withhold under section 552.108, and you state

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<sup>1</sup>Although you raise section 552.130 of the Government Code to withhold social security numbers, we note that section 552.147 of the Government Code is the proper exception for this type of information.

that this information is related to pending criminal investigations. Based on your representation and our review, 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). Accordingly, the sheriff may withhold the information you have marked under section 552.108(a)(1) of the Government Code.

You next assert that the information you have marked in case number 2005-10955 is subject to section 552.108(a)(2), which 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. [.]” Gov’t Code § 552.108(a)(2). You indicate that the information you have marked in case number 2005-10955 relates to a concluded case that did not result in a conviction or deferred adjudication. Based on your representation, we conclude that the sheriff may withhold the information you have marked under section 552.108(a)(2) in case number 2005-10955.

Next, you seek to withhold portions of the remaining information under section 552.130 of the Government Code, which 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.” *Id.* § 552.130(a)(1), (2). Accordingly, the sheriff must withhold the Texas driver’s license and motor vehicle record information we have marked pursuant to section 552.130 of the Government Code.

We note that a portion of the remaining information is subject to section 552.136 of the Government Code.<sup>2</sup> Section 552.136 states that “[n]otwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.” *Id.* § 552.136. Accordingly, we find that the sheriff must withhold the bank account and routing number we have marked under section 552.136 of the Government Code.

Finally, you have marked social security numbers that you seek to withhold. Section 552.147 of the Government Code provides that “[t]he social security number of a living person is

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<sup>2</sup>The Office of the Attorney General will raise a mandatory exception, such as section 552.136, on behalf of a governmental body, but ordinarily will not raise other exceptions. See Open Records Decision Nos.481 (1987), 480 (1987), 470 (1987).

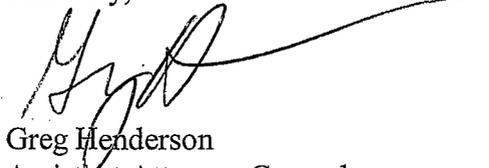
excepted from" required public disclosure under the Act.<sup>3</sup> *Id.* § 552.147. The sheriff may withhold the social security numbers you have marked in the remaining information pursuant to section 552.147 of the Government Code.

In summary, the sheriff may withhold the information you have marked under sections 552.108(a)(1) and 552.108(a)(2) of the Government Code. The sheriff must withhold the information we have marked under sections 552.130 and 552.136 of the Government Code. The sheriff may withhold the social security numbers you have marked under 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](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,



Greg Henderson  
Assistant Attorney General  
Open Records Division

GH/rl

Ref: ID#341443

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>3</sup>We 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.