



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 11, 2009

Ms. Neera Chatterjee
Public Information Coordinator
The University of Texas System
201 West Seventh Street
Austin, Texas 78701-2902

OR2009-08089

Dear Ms. Chatterjee:

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# 345738 (OGC# 118722).

The University of Texas at San Antonio (the "university") received a request for all documents related to eleven specified case numbers. You state that you have made some of the requested information available to the requestor. You further state you have redacted social security numbers pursuant to section 552.147 of the Government Code.¹ You claim that portions of the submitted 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.

Initially, you inform us that the reports for case numbers 215A, 216A, and 217A were the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2009-07680 (2009). In that decision we ruled that the university may

¹Section 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. We note, and you acknowledge, the requestor has a right to his own social security number. *See generally* Gov't Code § 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).

withhold portions of the submitted information under section 552.108(a)(2) of the Government Code. As we have no indication that the law, facts, or circumstances on which the prior ruling was based have changed, the university may continue to rely on that ruling as a previous determination and withhold or release the reports for case numbers 215A, 216A, and 217A in accordance with the prior ruling.² See Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

We will now address your arguments against disclosure of the remaining submitted information. 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[.]” Gov’t Code § 552.108(a)(1). A governmental body that claims an exception to disclosure under section 552.108 must reasonably explain how and why this exception is applicable to the information at issue. See *id.* §§ 552.108(a)(1), 301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state that the remaining submitted offense reports relate to an ongoing investigation conducted by the university’s police department. Based upon this representation and our review, we conclude that release of the submitted 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. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases). We note, however, that the information you seek to withhold under section 552.108 includes citations. Because copies of the citations were provided to the individuals who were cited, we find that release of the citations will not interfere with the detection, investigation, or prosecution of crime. Therefore, the university may not withhold the citations, which we have marked, under section 552.108(a)(1). The university may withhold the remaining information you have marked under section 552.108(a)(1).³

Next, section 552.130 of the Government Code excepts from disclosure information relating to a Texas driver’s license. Gov’t Code § 552.130. Accordingly, the university must withhold the Texas driver’s license numbers we have marked under section 552.130 of the Government Code.

²As our ruling is dispositive of these reports, we need not address your arguments against their disclosure.

³As our ruling is dispositive of this information, we need not address your remaining arguments against its disclosure.

In summary, (1) the university may continue to rely on Open Records Letter No. 2009-07680 as a previous determination and withhold or release the reports for case numbers 215A, 216A, and 217A in accordance with the prior ruling; (2) with the exception of the citations we have marked, the university may withhold the information you have marked in the remaining information under section 552.108(a)(1) of the Government Code; and (3) the university must withhold the driver's license numbers we have marked under section 552.130 of the Government Code. The remaining information must be released to the requestor.

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,



Christopher D. Sterner
Assistant Attorney General
Open Records Division

CDSA/eeg

Ref: ID# 345738

Enc. Submitted documents

c: Requestor
(w/o enclosures)