



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 7, 2009

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

OR2009-10977

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# 351601 (Cedar Park ID# 09-139).

The City of Cedar Park (the "city") received a request for information relating to a specified address, the requestor, or another named individual during a specified time period. You state the city will release some responsive information to the requestor, which you have marked as Exhibit B. You claim that the portions of the submitted information, which you have marked as Exhibit C; are excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You assert portions of the submitted information, marked as Exhibit C, are excepted from disclosure under section 552.108(a)(1) of the Government Code. This section 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 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 state that the information you have marked is related to a pending criminal investigation by the city's police department. Based on this representation, we conclude that the release of

the information you marked 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 [14<sup>th</sup> 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 city may withhold the information you marked as Exhibit C under section 552.108(a)(1).<sup>1</sup>

We note that some of the information in Exhibit B is excepted from disclosure pursuant to section 552.130 of the Government Code. Section 552.130 excepts from public disclosure information that relates to a motor vehicle operator's or driver's license or permit or a motor vehicle title or registration issued by an agency of this state. Gov't Code § 552.130(a)(1)-(2). You have marked the requestor's Texas motor vehicle information in Exhibit B under section 552.130. We note, however, that this exception protects personal privacy. Therefore, the requestor has a right of access to her own Texas motor vehicle information under section 552.023 of the Government Code. *See id.* § 552.023(a).<sup>2</sup> Thus, the city may not withhold that information from this requestor under section 552.130. *See Open Records Decision No. 481 at 4 (1987)* (privacy theories not implicated when individual requests information concerning herself). However, with the exception of the information we have marked for release, the city must withhold the remaining Texas motor vehicle record information you marked in Exhibit B under section 552.130.

In summary, the city may withhold Exhibit C under section 552.108(a)(1) of the Government Code. With the exception of the information we have marked for release, the city must withhold the Texas motor vehicle record information you have marked in Exhibit B 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](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

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<sup>1</sup>As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information.

<sup>2</sup>Section 552.023(a) provides that “[a] person or a person’s authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person’s privacy interests.” Gov’t Code § 552.023(a).

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 "Tamara Wilcox". The signature is fluid and cursive, with the first name "Tamara" written in a larger, more prominent script than the last name "Wilcox".

Tamara Wilcox  
Assistant Attorney General  
Open Records Division

TW/dls

Ref: ID# 351601

Enc. Submitted documents

c: Requestor  
(w/o enclosures)