



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 12, 2009

Ms. Leann M. Quinn
City Secretary
City of Cedar Park
600 North Bell Boulevard
Cedar Park, Texas 78613

OR2009-11231

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# 356595 (Cedar Park Reference No. 09-247).

The Cedar Park Police Department (the "department") received a request for a specified police report. You state that some of the requested information will be released to the requestor. You claim the remaining requested information is 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.

Section 552.108 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 that the governmental body seeks to withhold. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977); Open Records Decision No. 434 at 2-3 (1986). You state Exhibit C relates to an ongoing criminal investigation. Based on your representation and our review, we determine 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. Civ.

App.—Houston [14th Dist.] 1975), *writ ref'd n.r.e.*, 536 S.W.2d 559 (Tex. 1976) (per curiam) (court delineates law enforcement interests that are present in active cases).

However, section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle*. See 531 S.W.2d at 185. Thus, with the exception of the basic front page offense and arrest information, which you state you will release, you may withhold Exhibit C under section 552.108(a)(1) of the Government Code.

Next, you claim some of the information in Exhibit B is excepted from disclosure under section 552.130 of the Government Code. Section 552.130 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[.]” Gov't Code § 552.130. We note, however, that section 552.130 protects privacy interests, and that the requestor may be the victim’s authorized representative. See *id.* § 552.023 (person or person’s authorized representative has a special right of access to information that relates to a person that are protected from public disclosure by laws intended to protect that person’s privacy interest). Accordingly, if the requestor is seeking the information on behalf of the victim, then he has a right of access to the victim’s Texas motor vehicle record information pursuant to section 552.023, and this information may not be withheld under section 552.130 and must be released to this requestor. If the requestor is not the victim’s authorized representative, then the victim’s Texas motor vehicle record information must be withheld under section 552.130. In either event, the department must withhold the rest of the marked Texas motor vehicle record information in Exhibit B under section 552.130 of the Government Code.

Next, we note you also seek to withhold the victim’s social security number in Exhibit B. 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. *Id.* § 552.147(b). We note, however, that the requestor in this instance also may have a right of access to the victim’s social security number. See *generally id.* § 552.023(b). Therefore, if the requestor is the victim’s authorized representative, the city may not withhold the social security number in Exhibit B pursuant to section 552.147(b) and must release it to the requestor. If the requestor is not seeking the information as the victim’s authorized representative, then the department may withhold the social security number you have marked in Exhibit B under section 552.147(b).

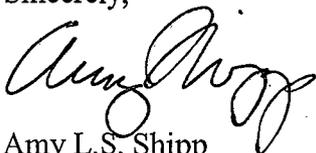
In summary, with the exception of the basic front page offense and arrest information, which you state you will release, the department may withhold Exhibit C under section 552.108(a)(1) of the Government Code. The department must withhold the marked Texas motor vehicle record information in Exhibit B under section 552.130 of the Government Code and may withhold the marked social security number in Exhibit B under section 552.147 of the Government Code, unless the requestor is acting as the victim’s

authorized representative. If so, the department must release the victim's Texas motor vehicle record information and social security number, which you have marked in Exhibit B, pursuant to section 552.023 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,



Amy L.S. Shipp
Assistant Attorney General
Open Records Division

ALS/rl

Ref: ID# 356595

Enc. Submitted documents

cc: Requestor
(w/o enclosures)