



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 19, 2009

Mr. Christopher D. Taylor  
Assistant City Attorney  
City of Waco  
P.O. Box 2570  
Waco, Texas 76702-2570

OR2009-11659

Dear Mr. Taylor:

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# 354483 (Waco Reference #: LGL-09-669).

The Waco Police Department (the "department") received a request for information regarding a specified incident. You claim that portions of the submitted information 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.

Section 552.108(a) excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution of crime." Gov't Code § 552.108(a)(1). Generally, 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 inform us, and provide a document from the City of Waco indicating, that the information you have marked relates to a pending criminal case. Based upon this representation, we conclude that the release of the information at issue 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).

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). Section 552.108(c) refers to the basic front-page information held to be public in *Houston Chronicle* and includes “a detailed description of the offense.” *See* 531 S.W.2d at 186-7. We note that the unmarked portion of the report’s narrative section does not contain information sufficient to qualify as a “detailed description of the offense” as required by *Houston Chronicle*. Therefore, the department must release a sufficient portion of the narrative section to encompass a detailed description of the offense. Accordingly, with the exception of a detailed description of the offense, the department may withhold the information you have marked under section 552.108(a)(1) of the Government Code.

Next, you have marked information pertaining to two driver’s licenses which you assert is excepted from disclosure pursuant to section 552.130 of the Government Code. Section 552.130 excepts from disclosure information relating to a motor vehicle operator’s or driver’s license or permit issued by an agency of this state. *See* Gov’t Code § 552.130(a)(1). One of the driver’s license numbers you have marked belongs to the requestor. This exception protects personal privacy. Thus, the requestor has a right of access to her own driver’s license number under section 552.023 of the Government Code. *See id.* § 552.023(a); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning herself). Therefore, the department may not withhold the requestor’s driver’s license number pursuant to section 552.130 of the Government Code. The remaining driver’s license number was issued by another state. Section 552.130 does not apply to out-of-state motor vehicle record information. Therefore, the department may not withhold the out-of-state driver’s license number you have marked under section 552.130.

In summary, with the exception of a detailed description of the offense, the department may withhold the information you have marked under section 552.108(a)(1) of the Government Code. The remaining information must be released.<sup>1</sup>

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,

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<sup>1</sup>Because, in this instance, the requestor has a special right of access to her own section 552.130 information, the department must seek another decision from this office if it receives another request for the same information from a different requestor. *See* Gov’t Code §§ 552.301, .302.

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,



Jessica Eales  
Assistant Attorney General  
Open Records Division

JCE/dls

Ref: ID# 354483

Enc. Submitted documents

c: Requestor  
(w/o enclosures)