



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 21, 2009

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

OR2009-11784

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# 355350 (Cedar Park Reference No. 09-205).

The City of Cedar Park (the "city") received a request for "police calls or investigations made" during a specified range of dates regarding a specified address or involving named individuals at the specified address. You state that some information will be released to the requestor. You claim the remaining 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.

You raise section 552.108(a)(1) of the Government Code for Exhibit C. Section 552.108(a)(1) 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, and provide a document from the Cedar Park Police Department reflecting, the information in Exhibit C relates to an open case. Based on these representations and our review, we determine 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. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases). Thus, section 552.108(a)(1) is applicable to Exhibit C.

Next, you raise section 552.108(a)(2) for Exhibits D and E. Section 552.108(a)(2) 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 state, and provide a document from the Cedar Park Police Department reflecting, Exhibits D and E relate to criminal investigations that did not result in convictions or deferred adjudications. Based on these representations and our review of the information at issue, we conclude section 552.108(a)(2) is applicable to Exhibits D and E.

We note, and you acknowledge, basic information about an arrested person, an arrest, or a crime is not excepted from disclosure under section 552.108. 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 the information you indicate you are releasing as basic does not contain sufficient information to qualify as detailed descriptions of the offenses as required by *Houston Chronicle*. Therefore, the city must release sufficient portions of the narrative sections of the reports in Exhibits C, D, and E to encompass detailed descriptions of the offenses. Accordingly, with the exception of basic information, which includes detailed descriptions of the offenses, the city may withhold Exhibits C, D, and E under section 552.108 of the Government Code.

You assert the marked motor vehicle record information in Exhibit B is excepted from disclosure under section 552.130 of the Government Code, which provides that information relating to a motor vehicle operator’s license, driver’s license, motor vehicle title, or registration issued by a Texas agency is excepted from public release. Gov’t Code § 552.130(a)(1), (2). The city must withhold the Texas driver’s license numbers you have marked under section 552.130.

You also seek to withhold the marked social security numbers in Exhibit B under section 552.147 of the Government Code, which provides that “[t]he social security number of a living person is excepted from” required public disclosure under the Act. The city may withhold the social security numbers you have marked under section 552.147.¹

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.

In summary, with the exception of basic information, which includes detailed descriptions of the offenses, the city may withhold Exhibits C, D, and E under section 552.108 of the Government Code: The city must withhold the driver's license numbers you have marked in Exhibit B under section 552.130 of the Government Code. The city may withhold the social security numbers you have marked in Exhibit B under section 552.147 of the Government Code. The remaining information must be released.²

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,



Jessica Eales
Assistant Attorney General
Open Records Division

JCE/eeg

Ref: ID# 355350

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²We note that the requestor has a special right of access to some of the information being released in this instance. See Gov't Code § 552.023. Because such information may be confidential with respect to the general public, if the city receives another request for this information from a different requestor, the city must again seek a ruling from this office.