



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 2, 2009

Ms. Neera Chatterjee  
Office of General Counsel  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701-2902

OR2009-12401

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# 354973.

The University of Texas at Dallas (the "university") received a request for police reports involving the arrest of the requestor on a specified date for a listed charge. You state you are releasing a portion of the requested information. You claim that some of the submitted information is 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.

Initially, we note the submitted information contains a court-filed document signed by a magistrate. Court-filed documents are made public under section 552.022(a)(17) of the Government Code and must be released unless they are expressly confidential under "other law." *See* Gov't Code § 552.022(a)(17). Section 552.108 of the Government Code is a discretionary exception that protects a governmental body's interests and is, therefore, not "other law" for purposes of section 552.022(a)(17). *See* Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally), 586 (1991) (governmental body may waive section 552.108). Therefore, the university may not withhold the court-filed document, which we have marked, under section 552.108. As you raise no other arguments against the disclosure of this information, it must be released.

Section 552.108 of the Government Code provides in relevant part the following:

- (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

...

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from the requirements of Section 552.021 if:

(1) release of the internal record or notation would interfere with law enforcement or prosecution[.]

Gov't Code § 552.108(a)(1), (b)(1). A governmental body claiming section 552.108(a)(1) or section 552.108(b)(1) must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), (b)(1), 552.301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state, and provide documentation showing, that the submitted information relates to a pending criminal investigation conducted by the university's police department. Based upon this representation and our review, we conclude that 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 [14<sup>th</sup> 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, we find that section 552.108(a)(1) is applicable to most of the information you have marked. We note, however, that the submitted information includes a criminal trespass warning that was issued to the individual subject to the warning. Because a copy of the warning was provided to this individual, we find that the release of the criminal trespass warning will not interfere with the detection, investigation, or prosecution of crime. *See Gov't Code § 552.108(a)(1)*. We therefore conclude that the criminal trespass warning, which we have marked, may not be withheld under section 552.108 and must be released.

Further, as you acknowledge, section 552.108 of the Government Code 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*, and includes booking information and bonding information. *See* 531 S.W.2d at 186-88; Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). Thus, with the exception of basic information, which you state you have released, and the marked criminal trespass warning, which also must be released, the university may withhold the information you have marked under section 552.108(a)(1).<sup>1</sup>

---

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

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. Accordingly, the university must withhold the Texas driver's license information we have marked pursuant to section 552.130 of the Government Code.

In summary, with the exception of basic information and the marked criminal trespass warning, the university may withhold under section 552.108(a)(1) of the Government Code the information you have marked that is not subject to section 552.022 of the Government Code. The university must withhold the Texas driver's license information we have marked under section 552.130 of the Government Code. The remaining information must be released to this requestor.<sup>2</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, 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, toll free, at (888) 672-6787.

Sincerely,



Sarah Casterline  
Assistant Attorney General  
Open Records Division

SEC/jb

---

<sup>2</sup>We note that the requestor has a special right of access to his own Texas driver's license number, which is being released in this instance. Gov't Code § 552.023 (person or person's authorized representative has a special right of access to records that contain information relating to the person that are protected from public disclosure by laws intended to protect that person's privacy interests), *see id.* § 552.130(a)(1) (providing that Texas driver's license is excepted from disclosure under the Act). Because such information is confidential with respect to the general public, if the university receives another request for this information from a different requestor, the university must again seek a ruling from this office.

Ref: ID# 354973

Enc. Submitted documents

c: Requestor  
(w/o enclosures)