



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 8, 2009

Ms. Marie Feutz
City Secretary
City of Leon Valley
6400 El Verde Road
Leon Valley, Texas 78238

OR2009-14173

Dear Ms. Feutz:

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# 357764.

The City of Leon Valley (the "city") received a request for records of vehicles towed from driveways for the past five years. You claim portions of the submitted information are excepted from disclosure under section 552.130 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially we note you seek to withhold the identification and description of witnesses in incident report number 200607211. In your argument for withholding this information you discuss Open Records Decision No. 127 (1976) and "first page guidelines." A governmental body may not withhold information based on the language of Open Records Decision No. 127. The decision merely summarizes the types of basic information that may not be withheld under section 552.108 of the Government Code. *See* Gov't Code § 552.108(c) (stating basic information about arrested person, arrest, or crime may not be withheld under section 552.108); *see also 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). In order to withhold information under section 552.108, a governmental body must raise and establish the applicability of this exception to the information the governmental body seeks to withhold. As you have failed to raise section 552.108 and submit arguments explaining the applicability of the exception to the

disclosure of the identification and description of witnesses in incident report number 200607211, this information must be released.

You claim incident report number 200607211 includes information protected by section 552.130 of the Government Code, which provides 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). We have marked a Texas driver's license number, vehicle identification number, and license plate numbers in incident report number 200607211 that the city must withhold under section 552.130 of the Government Code. The remaining information must be released.

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, toll free, at (888) 672-6787.

Sincerely,



Jessica Eales
Assistant Attorney General
Open Records Division

JCE/eeg

Ref: ID# 357764

Enc. Submitted documents

c: Requestor
(w/o enclosures)