



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

October 26, 2009

Mr. Renaldo L. Stowers
Senior Associate General Counsel
The University of North Texas System
1155 Union Circle, #310907
Denton, Texas 76203-5017

OR2009-15154

Dear Ms. Stowers:

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# 364298 (UNT PIR No. 10-008).

The University of North Texas (the "university") received a request for a specified police report. You state you will release some information to the requestor. You claim the remaining requested 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.

Section 552.108 of the Government Code 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 must reasonably explain how and why section 552.108 is applicable to the information at issue. *See id.* § 552.301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You have marked the information that the university seeks to withhold under section 552.108. You inform us, and have provided a representation from the university's police department stating, that the marked information is related to an open criminal investigation. Based on your representation, we conclude that section 552.108(a)(1) is generally applicable to the marked information. *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).

We note that 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*. See 531 S.W.2d at 186-88. The university must release basic information, including a detailed description of the offense, even if the information does not literally appear on the front page of an offense or arrest report. See Open Records Decision No. 127 at 3-4 (1976) (summarizing types of information deemed public by *Houston Chronicle*). Thus, basic information must be released from the narrative portion of the submitted police report. The university may withhold the rest of the information that you have marked under section 552.108(a)(1).

Next, you claim some of the remaining information is excepted from disclosure under section 552.130 of the Government Code, which excepts from disclosure information that relates to a motor vehicle operator’s or driver’s license or permit or a motor vehicle title or registration issued by an agency of this state. See Gov’t Code § 552.130(a)(1)-(2). Because this exception protects personal privacy, the requestor has a right of access to his own Texas motor vehicle record information under section 552.023 of the Government Code, and the university may not withhold this information from the requestor under section 552.130. See *id.* § 552.023(a); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning herself). The university must withhold the Texas driver’s license number we marked in the remaining information under section 552.130 of the Government Code.

In summary, the university may generally withhold the information that you have marked under section 552.108(a)(1) of the Government Code, but must release a detailed description of the offense from the narrative portion of the police report under section 552.108(c). The university must withhold the information we have marked under section 552.130 of the Government Code. The remaining information must be released to the requestor.¹

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,

¹Because the records to be released contain information that is confidential with respect to the general public, in the event the university receives another request for this information from someone other than this requestor or his authorized representative, the university must ask this office for a decision whether the information is subject to public disclosure. See Gov’t Code § 552.023; see also ORD 481 at 4.

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,

A handwritten signature in cursive script, appearing to read "Amy Shipp".

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

ALS/rl

Ref: ID# 364298

Enc. Submitted documents

cc: Requestor
(w/o enclosures)