



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

December 28, 2009

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

OR2009-18210

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# 370489 (City Reference No. 10-098).

The Cedar Park Police Department (the "department") received a request for a specified incident report. You claim that portions of the submitted information are 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 claim that Exhibit C is excepted from disclosure under section 552.108 of the Government Code. 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 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 state the submitted information relates to a pending criminal investigation. Based on 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).

Therefore, the department may withhold Exhibit C under section 552.108(a)(1) of the Government Code.

Section 552.130 of the Government Code 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[.]” Gov’t Code § 552.130. Upon review, we find that the Texas driver’s license number you have marked in Exhibit B must generally be withheld under section 552.130. We note that section 552.130 protects personal privacy. In this instance, the requestor may have a right of access under section 552.023 to the marked Texas driver’s license number if the requestor is an authorized representative of the individual to whom the information pertains. *See generally id.* § 552.023(b) (governmental body may not deny access to person to whom information relates, or that person’s representative, solely on grounds that information is considered confidential by privacy principles). Accordingly, if the requestor is the authorized representative of that individual, the department may not withhold that individual’s Texas driver’s license number from the requestor under section 552.130. If the requestor does not have a right of access to the marked Texas driver’s license number, then it must be withheld under section 552.130 of the Government Code.<sup>1</sup>

Next, you have marked a social security number in Exhibit B under section 552.147 of the Government Code. Section 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. *Id.* § 552.147. However, if the requestor is the authorized representative of the individual whose social security number is at issue, the requestor has a right of access to the marked social security number and it must be released to him. *See generally id.* § 552.023(b). Accordingly, if the requestor does not have a right of access to the marked social security number, then it may be withheld under section 552.147 of the Government Code.

In summary, the department may withhold Exhibit C under section 552.108(a)(1) of the Government Code. If the requestor does not have a right of access to the Texas driver’s license number in Exhibit B, then it must be withheld under section 552.130 of the Government Code. If the requestor does not have a right of access to the marked social security number, then it may be withheld under section 552.147 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.

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<sup>1</sup>We note this office recently issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including Texas driver’s license numbers, under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

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,



Laura Ream Lemus  
Assistant Attorney General  
Open Records Division

LRL/eb

Ref: ID# 370489

Enc. Submitted documents

c: Requestor  
(w/o enclosures)