



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

March 24, 2010

Mr. Jose Hernandez
Records Clerk
Edinburg Police Department
1702 South Closner
Edinburg, Texas 78539

OR2010-04184

Dear Mr. Hernandez:

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# 379015 (Reference ID# 8020).

The Edinburg Police Department (the "department") received a request for offense report number 10-8908. You state you have released 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(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). Generally, a governmental body claiming section 552.108(a)(1) 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 inform us that the submitted information relates to an ongoing criminal investigation. Based upon your representation and our review, we find that section 552.108(a)(1) is applicable to the information you have marked. *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., 536 S.W.2d 559 (Tex. 1976) (per curiam) (court delineates law enforcement interests that are present in active

cases). The department may, therefore, withhold the information you marked pursuant to section 552.108(a)(1) of the Government Code.¹

Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle operator's or driver's license or permit issued by an agency of this state. *See* Gov't Code § 552.130(a)(1). You assert that the driver's license numbers you have marked in the remaining submitted information are excepted from disclosure under section 552.130 of the Government Code. We note section 552.130 protects privacy interests. Thus, the requestor has a right of access to her own Texas driver's license information under section 552.023 of the Government Code, and the department may not withhold this information under section 552.130. *Id.* § 552.023(b) (governmental body may not deny access to person or person's representative to whom information relates on grounds information is considered confidential under privacy principles). The department must withhold the remaining Texas driver's license number you have marked, and the additional information we have marked, which does not pertain to the requestor, under section 552.130 of the Government Code.²

In summary, the department may withhold the information you have marked pursuant to section 552.108(a)(1) of the Government Code. The department must withhold the Texas driver's license you have marked which does not pertain to the requestor, and the additional information we have marked, pursuant to section 552.130 of the Government Code. The remaining information must be released to the requestor.

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,

¹As our ruling is dispositive, we do not address your remaining argument against disclosure of portions of the this information.

²We note this requestor has a special right of access to some of the information being released that would otherwise be confidential with regard to the general public. *See* Gov't Code § 552.023(a). We further note that 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 a Texas driver's license number under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision. Accordingly, if the department receives another request for the information from an individual other than one with a right of access under section 552.023, the department is authorized to withhold the submitted Texas driver's license numbers under section 552.130 without the necessity of requesting an attorney general decision.

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# 379015

Enc. Submitted documents

cc: Requestor
(w/o enclosures)