



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 7, 2011

Mr. Mark G. Mann
Assistant City Attorney
City of Garland
P.O. Box 469002
Garland, Texas 75046-9002

OR2011-01856

Dear Mr. Mann:

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# 412192 (GCA 11-0026).

The Garland Police Department (the "department") received a request for information relating to a specified arrest. You state some of the requested information has been released, with redactions pursuant to section 552.147 of the Government Code and Open Records Decision No. 684 (2009).¹ You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the information you submitted.

¹Section 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. Open Records Decision No. 684 is a previous determination issued by this office authorizing all governmental bodies to withhold ten categories of information without the necessity of requesting an attorney general decision, including a Texas driver's license number under section 552.130 of the Government Code.

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 contend release of the submitted information would interfere with a pending criminal investigation. Based on your representations, we conclude the department may withhold the submitted 911 recording under section 552.108(a)(1) of the Government Code. *See Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court delineates law enforcement interests present in active cases), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

The department also seeks to withhold a “Criminal Trespass Violator Form” under section 552.108(a)(1). We note the form is signed by the suspect. We find release of the form will not interfere with the detection, investigation, or prosecution of crime. *See* Gov’t Code § 552.108(a)(1). We therefore conclude the department may not withhold the “Criminal Trespass Violator Form” under section 552.108.

We note the “Criminal Trespass Violator Form” contains the suspect’s Texas personal identification number. Section 552.130 of the Government Code excepts from disclosure information relating to a personal identification document issued by an agency of this state or a local agency authorized to issue a personal identification document.² *See id.* § 552.130(a)(3). The department must withhold the personal identification number we have marked under section 552.130 of the Government Code.

In summary: (1) the department may withhold the 911 recording under section 552.108(a)(1) of the Government Code; and (2) the department must withhold the marked Texas personal identification number under section 552.130 of the Government Code. The department must release the rest of the submitted information.

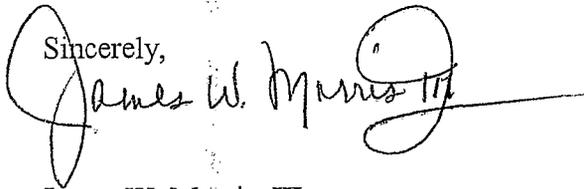
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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

²This office will raise section 552.130 on behalf of a governmental body, as this section is a mandatory exception. *See* Gov’t Code §§ 552.007, .352; Open Records Decision No. 674 at 3 n.4 (2001) (mandatory exceptions).

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 black ink that reads "James W. Morris, III". The signature is written in a cursive style with a long horizontal line extending to the right.

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/em

Ref: ID# 412192

Enc: Submitted information

c: Requestor
(w/o enclosures)