



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 20, 2011

Ms. P. Armstrong  
Assistant City Attorney  
Criminal Law and Police Section  
City of Dallas  
1400 South Lamar  
Dallas, Texas 75215

OR2011-18736

Dear Ms. Armstrong:

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# 440265 (ORR# 2011-9060).

The Dallas Police Department (the "department") received a request for records of police calls for service at a specified address on a specific date and specified information involving four named individuals. You claim some of the requested information is excepted from disclosure under sections 552.101, 552.108, 552.130, and 552.136 of the Government Code.<sup>1</sup> We have considered the exceptions you claim and reviewed the information you submitted.<sup>2</sup>

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<sup>1</sup>Although you do not specifically raise sections 552.130 and 552.136, you have marked information the department seeks to withhold under these exceptions. Accordingly, we will address sections 552.130 and 552.136, as these sections are mandatory exceptions to disclosure. *See Gov't Code §§ 552.007, .352; Open Records Decision No. 674 at 3 n.4 (2001) (mandatory exceptions).*

<sup>2</sup>This letter ruling assumes the submitted representative sample of information is truly representative of the requested information as a whole. This ruling neither reaches nor authorizes the department to withhold any information that is substantially different from the submitted information. *See Gov't Code §§ 552.301(e)(1)(D), .302; Open Records Decision Nos. 499 at 6 (1988), 497 at 4 (1988).*

Section 552.108(a)(1) 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). You state release of the information you have marked to be withheld under section 552.108 would interfere with a pending criminal case. Based on your representation, we conclude the department may withhold the marked information under section 552.108(a)(1) of the Government Code.<sup>3</sup> *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).

We note the department may be required to withhold some of the remaining information at issue under section 552.1175 of the Government Code, which protects information related to a peace officer, as defined by article 2.12 of the Code of Criminal Procedure.<sup>4</sup> Section 552.1175(b) provides as follows:

(b) Information that relates to the home address, home telephone number, emergency contact information, or social security number of an individual to whom this section applies, or that reveals whether the individual has family members is confidential and may not be disclosed to the public under this chapter if the individual to whom the information relates:

- (1) chooses to restrict public access to the information; and
- (2) notifies the governmental body of the individual’s choice on a form provided by the governmental body, accompanied by evidence of the individual’s status.

Gov’t Code § 552.1175(b)). The department must withhold the information we have marked in the remaining records under section 552.1175 of the Government Code to the extent the information pertains to a peace officer who chooses to restrict public access to the information in accordance with section 552.1175(b).<sup>5</sup>

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<sup>3</sup>As we are able to make this determination, we need not address your other claims for some of the marked information.

<sup>4</sup>This office will raise section 552.1175 on behalf of a governmental body, as this section is a mandatory exception to disclosure. *See* Gov’t Code §§ 552.007, .352; ORD 674 at 3 n.4.

<sup>5</sup>In the event the officer’s social security number is not excepted from disclosure under section 552.1175, we note section 552.147(b) of the Government Code authorizes a governmental body to redact a living individual’s social security number without the necessity of requesting a decision.

Section 552.130 of the Government Code excepts from disclosure information related 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 or another state or country. *See id.* § 552.130(a)(1)-(2). Except for the information that is not encompassed by this exception, which we have marked for release, we conclude the department must withhold the driver's license and motor vehicle information you have marked in the remaining records under section 552.130 of the Government Code.<sup>6</sup>

Section 552.136 of the Government Code states that “[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.” *Id.* § 552.136(b); *see id.* § 552.136(a) (defining “access device”). We understand the employee identification numbers you have marked are the same numbers used for city credit union bank accounts. We therefore conclude the department must withhold the employee identification numbers you have marked in the remaining records and the employee identification number we have marked under section 552.136 of the Government Code.

In summary, the department (1) may withhold the information you have marked under section 552.108(a)(1) of the Government Code; (2) must withhold the information we have marked under section 552.1175 of the Government Code to the extent the information pertains to a peace officer who chooses to restrict public access to the information in accordance with section 552.1175(b); (3) must withhold the driver's license and motor vehicle information you have marked, except for the information we have marked for release, under section 552.130 of the Government Code; and (4) must withhold the employee identification numbers you have marked and the employee identification number we have marked under section 552.136 of the Government Code. The rest of the submitted information must be released.

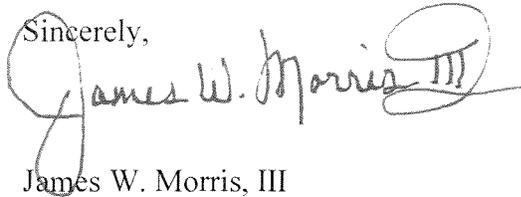
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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](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

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<sup>6</sup>We note this office issued Open Records Decision No. 684 (2009), a previous determination authorizing all governmental bodies to withhold ten categories of information without the necessity of requesting an attorney general decision, including a Texas license plate number under section 552.130 of the Government Code.

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,  


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

JWM/bs

Ref: ID# 440265

Enc: Submitted documents

c: Requestor  
(w/o enclosures)