



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 6, 2014

Ms. Miram Rodrigues
Administrative Assistant
Harker Heights Police Department
402 Indian Trail
Harker Heights, Texas 76548

OR2014-09749

Dear Ms. Rodrigues:

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# 525204.

The Harker Heights Police Department (the "department") received a request for a specified police report as well as all associated recordings. You state you have released some information to the requestor. 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 submitted information.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication.

Although you assert the submitted information relates to a case that "has not resulted in a conviction or deferred adjudication[,]" you also state the submitted information relates to a case that "did not result in a conviction or deferred adjudication." We note section 552.108(a)(2) is applicable only if the information at issue is related to a concluded criminal case that "did not result in conviction or deferred adjudication." *Id.* Thus, because of these contradictory representations, we find you have failed to demonstrate the applicability of section 552.108(a)(2) to the submitted information. Accordingly, the department may not withhold the submitted information under section 552.108(a)(2) of the Government Code.

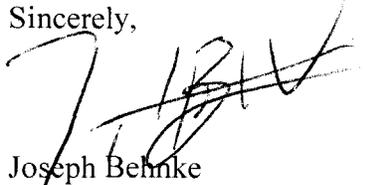
Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle operator's or driver's license or permit, a motor vehicle title or registration, or a personal identification document issued by an agency of this state or another state or country.¹ Gov't Code § 552.130(a). Accordingly, the department must withhold the motor vehicle information we indicated in the submitted video recording under section 552.130 of the Government Code.

In summary, the department must withhold the motor vehicle information we indicated in the submitted video recording under section 552.130 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.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Joseph Behnke
Assistant Attorney General
Open Records Division

JB/som

Ref: ID# 525204

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body but ordinarily will not raise other exceptions. See Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).