



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 7, 2014

Ms. Rhonda Modisette
Records Supervisor
City of Nacogdoches
P.O. Box 635030
Nacogdoches, Texas 75963-5030

OR2014-20335

Dear Ms. Modisette:

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# 545392.

The Nacogdoches Police Department (the "department") received a request for information pertaining to a specified incident report. The department claims some of the submitted information is excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the claimed exceptions and reviewed the submitted information.

Initially, we note you informed the requestor she may obtain a copy of the submitted CR-3 accident report from a privately-owned website.¹ See Transp. Code § 550.065(c)(4). However, section 552.228 of the Government Code requires a governmental body to provide a requestor with a "suitable copy" of requested public information. Gov't Code § 552.228(a). We also note "[a] public information officer does not fulfill his or her duty under the Act by simply referring a requestor to a governmental body's website for requested public information." Open Records Decision No. 682 at 7 (2005). Instead, section 552.221

¹We note the requestor provided the department with at least two of the three pieces of information required by section 550.065 of the Transportation Code to receive this report. See Transp. Code § 550.065(c)(4) (accident report must be released to person who provides two of following: (1) date of accident, (2) name of any person involved in accident, and (3) specific location of accident)).

of the Government Code requires a governmental body “to either provide the information for inspection or duplication in its offices or to send copies of the information by first class United States mail.” *Id.*; see Gov’t Code § 552.221(b). Thus, the department must itself provide to the requestor access to or copies of the responsive information that is in its possession. Nevertheless, we note a requestor may agree to accept information on such websites in fulfillment of a request for information under the Act. See generally ORD 682 at 7.

Section 552.108(a) 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: (1) 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(a)(1) must reasonably explain how and why the release of the information at issue 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, 710 (Tex. 1977). The department represents the Nacogdoches District Attorney’s Office objects to the release of Exhibits A, C, D, and E because they relate to a pending criminal prosecution. Based on this representation, we conclude the release of this information 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, 186-87 (Tex. App.—Houston [14th Dist.] 1975) (delineating law enforcement interests present in active cases), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

However, section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. Gov’t Code § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle*. See 531 S.W.2d at 186-88; Open Records Decision No. 127 at 3-4 (1976) (summarizing types of information deemed public by *Houston Chronicle*). Thus, with the exception of basic information, the department may withhold Exhibits A, C, D, and E under section 552.108(a)(1) of the Government Code.²

Section 552.130 of the Government Code provides information relating to a motor vehicle operator’s license, driver’s license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release. See Gov’t Code § 552.130(a). The department must withhold the motor vehicle record information you have marked in Exhibit B, as well as the information we have marked, under section 552.130 of the Government Code.

To conclude, with the exception of basic information, the department may withhold Exhibits A, C, D, and E under section 552.108(a)(1) of the Government Code. The department must

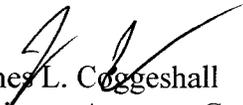
²As our ruling is dispositive, we do not address the department’s other arguments to withhold the submitted information, except to note basic information described in *Houston Chronicle* does not include information subject to section 552.130 of the Government Code.

withhold the information marked under section 552.130 of the Government Code in Exhibit B. The department must release the remaining 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.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,


James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/cbz

Ref: ID# 545392

Enc. Submitted documents

c: Requestor
(w/o enclosures)