



January 6, 2015

Ms. Susan Fillion  
Assistant County Attorney  
Harris County Sheriff's Office  
1200 Baker Street, Second Floor  
Houston, Texas 77002-1206

OR2015-00168

Dear Ms. Fillion:

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# 548971 (HCSO File No. 14SO600247).

The Harris County Sheriff's Office (the "sheriff's office") received a request for an offense report, including witness, victim, and suspect statements, and supplemental reports, related to a specified homicide. 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.

We note the requestor is a representative of the Office of the Attorney General (the "OAG"). Subchapter B of chapter 56 contains article 56.38 and is the Crime Victims' Compensation Act. Crim. Proc. Code art. 56.31. Article 56.38(d) provides:

On request by the [OAG], . . . a law enforcement agency shall release to the [OAG] all reports, including witness statements and criminal history record information, for the purpose of allowing the [OAG] to determine whether a claimant or victim qualifies for an award and the extent of the qualification.

*Id.* art. 56.38(d). The submitted information pertains to an investigation of murder and non-negligent manslaughter by the sheriff's office. We understand a family member of the victim in the submitted information has filed an application with the Crime Victims' Compensation

Program. Thus, the sheriff's office must generally release the submitted information to the requestor pursuant to article 56.38(d) of the Code of Criminal Procedure.

Some of the submitted information is subject to section 552.130 of the Government Code.<sup>1</sup> 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. Upon review, we find the sheriff's office must generally withhold the information we marked under section 552.130 of the Government Code.

Although the information we have marked is confidential under section 552.130 of the Government Code, article 56.38(d) of the Code of Criminal Procedure gives the requestor a right of access to the submitted information. A statutory right of access generally prevails over the Act's general exceptions to disclosure. *See* Open Records Decision Nos. 613 at 4 (1993) (exceptions in Act cannot impinge on statutory right of access to information), 451 at 4 (1986). However, because section 552.130 has its own access provisions, we conclude section 552.130 is not a general exception under the Act. Therefore, we must address the conflict between the confidentiality of section 552.130 of the Government Code and the right of access afforded to the OAG under article 56.38(d) of the Code of Criminal Procedure. Where general and specific provisions are in irreconcilable conflict, the specific provision typically prevails as an exception to the general provision unless the general provision was enacted later and there is clear evidence that the legislature intended the general provision to prevail. *See* Gov't Code § 311.026(b); *City of Lake Dallas v. Lake Cities Mun. Util. Auth.*, 555 S.W.2d 163, 168 (Tex. Civ. App.—Fort Worth 1977, writ ref'd n.r.e.). Article 56.38(d) generally gives the OAG a right of access to reports it requests to determine the qualification and extent of an award to an individual who has filed an application for crime victim compensation. In contrast, section 552.130 specifically makes motor vehicle record information confidential. Thus, we find the confidentiality provision of section 552.130 prevails over the access provision of article 56.38(d). You also raise section 552.108 for the submitted information. However, as noted above, a specific statutory right of access prevails over general exceptions to disclosure under the Act. *See* ORDs 613 at 4, 451. Therefore, the sheriff's office must withhold the information we have marked under section 552.130 of the Government Code. The sheriff's office must release the

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<sup>1</sup>The 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).

remaining information to the requestor pursuant to article 56.38(d) of the Code of Criminal Procedure.<sup>2</sup>

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](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,



Rustam Abedinzadeh  
Assistant Attorney General  
Open Records Division

RA/dls

Ref: ID# 548971

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>2</sup>Because this requestor has a right of access to information the sheriff's office would be required to withhold from the general public, the sheriff's office should request another decision if it receives another request for this same information from a different requestor. See Gov't Code §§ 552.301(a), .302.