



February 11, 2015

Mr. Jose Hernandez
Records Supervisor
Edinburg Police Department
1702 South Closner Boulevard
Edinburg, Texas 78539

OR2015-02700

Dear Mr. Hernandez:

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# 553819 (Ref.# 70409).

The Edinburg Police Department (the "department") received a request for report numbers 14-20110, 14-30923, 14-36833, 14-38812, 14-40264, 14-39285, 14-42496, 14-39116, 14-48529, 14-46667, 14-44504, and 14-56524, and a copy of the warrant on a named individual. The department claims the submitted information is excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions the department claims and reviewed the submitted information.

The department asserts, with the exception of report number 14-48529, all of the requested reports were the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2014-20668 (2014). In Open Records Letter No. 2014-20668, we determined, with the exception of basic information, the department may withhold the information it marked in report numbers 14-38812 and 14-42496 under section 552.108(a)(1) of the Government Code, and must withhold some of the information at issue under section 552.130 of the Government Code, but must release the remaining information in 14-20110, 14-30923, 14-36833, 14-38812, 14-40264, 14-39285, 14-42496, and 14-39116. We have no indication the law, facts, or circumstances on which the prior ruling was based have changed. Accordingly, the department must continue to rely on Open Records Letter No. 2014-20668 as a previous determination and withhold or release report

numbers 14-20110, 14-30923, 14-36833, 14-38812, 14-40264, 14-39285, 14-42496, and 14-39116 in accordance with that ruling. However, we note report numbers 14-46667, 14-44504, and 14-56524 were not at issue in Open Records Letter No. 2014-20668. Thus, we conclude the department may not rely on that ruling as a previous determination for those reports. *See* Open Records Decision No. 673 at 6-7 (2001) (discussing criteria for first type of previous determination). We will consider whether the requested information not at issue in Open Records Letter No. 2014-20668 is excepted from disclosure.

Next, we note the department has not submitted report numbers 14-46667, 14-44504, and 14-56524, or a copy of the specified warrant. We assume, to the extent any of this information existed on the date the department received the request, the department has released it. If the department has not released any such information, it must do so at this time. *See* Gov't Code §§ 552.006, .301, .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

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). A governmental body claiming section 552.108(a)(1) must reasonably explain how and why the release of the requested information 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 (Tex. 1977). The department states the information it has marked relates to a pending criminal prosecution. Upon review, we conclude the release of the information at issue 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 (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). Thus, the department may withhold the information it has marked under section 552.108(a)(1) of the Government Code.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's or 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. Gov't Code § 552.130(a). Upon review, we find the department must withhold the motor vehicle record information it has marked, as well as the information we have marked, under section 552.130 of the Government Code.

In summary, the department must continue to rely on Open Records Letter No. 2014-20668 as a previous determination and withhold or release the identical information in accordance with that ruling. The department may withhold the information it has marked under section 552.108(a)(1) of the Government Code. The department must withhold the motor vehicle record information it has marked, as well as the information we have marked, under

section 552.130 of the Government Code. 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,



David L. Wheelus
Assistant Attorney General
Open Records Division

DLW/bhf

Ref: ID# 553819

Enc. Submitted documents

c: Requestor
(w/o enclosures)