



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 12, 2015

Ms. Judith N. Benton
Assistant City Attorney
City of Waco
Legal Services
P.O. Box 2570
Waco, Texas 76702-2570

OR2015-04764

Dear Ms. Benton:

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# 555824 (City of Waco Reference Nos. LGL-14-324, LGL-14-325, and LGL-15-026).

The City of Waco and the Waco Police Department (collectively, the "city") received three requests for information from different requestors regarding a specified incident. You state the city has released some information to the requestors, including a copy of the CR-3 accident report form to the two requestors who provided the city with the requisite information. *See* Transp. Code § 550.065(c)(4), (d) (officer's accident report must be released to person who provides two of the following three pieces of information: date of accident, name of any person involved in accident, specific location of accident). You claim some of the submitted information is excepted from disclosure under sections 552.108

and 552.130 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

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 city states the submitted information relates to a pending criminal investigation. Based on this representation, 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, 186-87 (Tex. Civ. 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). Accordingly, we find section 552.108(a)(1) of the Government Code is applicable in this instance, and the city may withhold the information you have marked in your submission for In House Tracking Number LGL-15-026 on that basis.

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). Upon review, we find the city must withhold the information you and we have marked under section 552.130 of the Government Code.

In summary, the city may withhold the information you have marked in your submission for In House Tracking Number LGL-15-026 under section 552.108(a)(1) of the Government Code. The city must withhold the motor vehicle record information you and we have marked under section 552.130 of the Government Code. The city 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.

¹Although the city did not raise section 552.130 of the Government Code in your briefing to this office, we understand you to raise this section based on your markings in the submitted documents. Additionally, we note you marked some information under section 552.108 of the Government Code in your submissions regarding In House Tracking Numbers LGL-14-324 and LGL-14-325 that you did not mark in the subsequent submission for In House Tracking Number LGL-15-026. Accordingly, we assume you no longer seek to withhold the additional marked information under section 552.108. *See* Gov’t Code §§ 552.301, .302.

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,

A handwritten signature in black ink, appearing to read "Kristi L. Godden". The signature is fluid and cursive, with the first name "Kristi" being more prominent.

Kristi L. Godden
Assistant Attorney General
Open Records Division

KLG/cz

Ref: ID# 555824

Enc. Submitted documents

c: 3 Requestors
(w/o enclosures)