



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 30, 2015

Ms. M. Ann Montgomery-Moran
Assistant County & District Attorney
County of Ellis
Ellis County Courts Building
109 South Jackson
Waxahachie, Texas 75165

OR2015-06035

Dear Ms. Montgomery-Moran:

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# 558665.

The Ellis County and District Attorney's Office (the "district attorney's office") received a request for information pertaining to a specified accident. The district attorney's office indicates it has released some of the submitted information, including a CR-3 accident report. *See* Transp. Code § 550.065(c)(4). The district attorney's office states it is withholding some information under sections 552.130 and 552.147 of the Government Code.¹ The district attorney's office claims some of the submitted information is excepted from disclosure under sections 552.101, 552.108, and 552.130 of the Government Code.² We have considered the claimed exceptions and reviewed the submitted information.³

¹Section 552.130(c) of the Government Code allows a governmental body to redact the information described in subsection 552.130(a) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e). Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act. *See id.* § 552.147(b).

²We understand the district attorney's office to raise section 552.101 based on its markings.

³You inform us the requested information was also the subject of Open Records Letter Nos. 2014-12598 (2014) and 2014-17801 (2014), which were both issued to the Waxahachie Police Department by this office.

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). We note the submitted information includes a citation and a DIC-24 statutory warning, which we have marked. Because the individual who was cited received copies of these documents, we find their release will not interfere with the detection, investigation, or prosecution of crime. Therefore, the district attorney’s office may not withhold the citation and DIC-24 statutory warning under section 552.108(a)(1). The district attorney’s office states the remaining information it has marked under section 552.108 relates to a pending criminal investigation. Based on this representation, we conclude the release of the remaining 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. 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). Thus, the district attorney’s office may withhold the remaining information it has marked under section 552.108(a)(1) of the Government Code.⁴

We note section 552.130 of the Government Code is applicable to some of the information in the marked the citation and DIC-24 statutory warning. Section 552.130 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*. The district attorney’s office must withhold the motor vehicle record information we have marked in the these documents under section 552.130 of the Government Code.

To conclude, with the exception of the citation and DIC-24 statutory warning we have marked, which the district attorney’s office must release, the district attorney’s office may withhold the information it has marked under section 552.108(a)(1) of the Government Code. However, in releasing the citation and DIC-24 statutory warning, the district attorney’s office must withhold the information we have marked under section 552.130 of the Government Code. The district attorney’s office 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.

⁴As our ruling is dispositive, we do not address the other arguments to withhold this information.

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# 558665

Enc. Submitted documents

c: Requestor
(w/o enclosures)