



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 25, 2015

Mr. David V. Overcash
Counsel for the City of Princeton
Wolfe, Tidwell & McCoy, L.L.P.
2591 Dallas Parkway, Suite 205
Frisco, Texas 75034

OR2015-12667

Dear Mr. Overcash:

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# 568515 (City's file nos. C14004PIR20150406-01 and C14004PIR20150331-01).

The City of Princeton (the "city"), which you represent, received two requests from two different requestors for information related to a specified incident. The first requestor also asks for any other information pertaining to himself. The city states it has released some information. The city claims portions of the submitted information are excepted from disclosure under sections 552.101, 552.108, 552.130, 552.136, 552.147 of the Government Code.¹ We have considered the exceptions the city claims and reviewed the submitted information.

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.*

¹Although the city does not raise section 552.136 in its briefing to this office, we understand the city to raise this exception based on its markings.

§§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). The city states the information it has marked relates to a pending criminal investigation and release of the information would interfere with that investigation. *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 that are present in active cases), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Based on these representations and our review, we conclude section 552.108(a)(1) of the Government Code is applicable. Thus, the city may withhold the information it has marked under section 552.108(a)(1) of the Government Code from both requestors.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 a 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). We note the city has marked the first requestor's motor vehicle record information. Because section 552.130 protects personal privacy, the first requestor has a right of access to his own motor vehicle record information under section 552.023 of the Government Code, and this information may not be withheld from him under section 552.130. *See id.* § 552.023(a) ("A person . . . has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person's privacy interests."); *see also* Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning herself). However, the remaining motor vehicle record information the city has marked must be withheld from the first requestor under section 552.130 of the Government Code. Additionally, all of the motor vehicle record information the city has marked must be withheld from the second requestor under section 552.130 of the Government Code.

Section 552.147(a) of the Government Code excepts the social security number of a living individual from public disclosure. Gov't Code § 552.147(a). The first requestor has a right, however, to his/her own social security number, and it may not be withheld under section 552.147. *See generally id.* § 552.023(b) (governmental body may not deny access to person to whom information relates, or that person's representative, solely on grounds that information is considered confidential by privacy principles). However, the city may withhold the remaining social security number from the first requestor under section 552.147 of the Government Code. Additionally, the city may withhold both marked social security numbers from the second requestor under section 552.147 of the Government Code.

In summary, the city may withhold the information it has marked under section 552.108(a)(1) of the Government Code from both requestors. With the exception of the first requestor's motor vehicle record information, which must be released to the first requestor, the city must

²As our ruling is dispositive, we need not address the city's remaining arguments against disclosure of this information.

withhold the remaining motor vehicle record information from the first requestor under section 552.130 of the Government Code. Additionally, all of the motor vehicle record information the city has marked must be withheld from the second requestor under section 552.130 of the Government Code. With the exception of the first requestor's social security number, which must be released to the first requestor, the city may withhold the remaining social security number from the first requestor under section 552.147 of the Government Code. Additionally, the city may withhold both marked social security numbers from the second requestor under section 552.147 of the Government Code. The remaining information must be released.

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,



Rahat Huq
Assistant Attorney General
Open Records Division

RSH/dls

Ref: ID# 568515

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)