



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 30, 2015

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

OR2015-13093

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# 569505 (City File No. C14004PIR20150409-01).

The City of Princeton (the "city"), which you represent, received a request for information related to a specified arrest. You state the city has released some information to the requestor. You claim portions of the submitted information are excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e) (governmental body must provide comments explaining why exceptions raised should apply to information requested). You provide a representation stating the information you have marked relates to a concluded criminal investigation that did not result in a conviction or deferred adjudication. Based on your representation and our review, we agree section 552.108(a)(2) is applicable to the information you have marked. Thus, the city

may withhold the information you have marked under section 552.108(a)(2) of the Government Code.

You state you will redact the motor vehicle record information you have marked under section 552.130 of the Government Code.¹ Section 552.130 provides information relating to a motor vehicle operator's or driver's license or permit, a motor vehicle title or registration, or a personal identification document issued by an agency of Texas or another state or country is excepted from public release. *Id.* § 552.130(a). We note the remaining information contains additional information, which we have marked, that is subject to section 552.130. However, section 552.130 protects personal privacy. Some of the marked information may pertain to a vehicle owned by the requestor. If this information pertains to a vehicle owned by the requestor, then the requestor has a right of access to this information under section 552.023 of the Government Code. *See id.* § 552.023(a) (governmental body may not deny access to person to whom information relates or person's agent on ground that information is considered confidential by privacy principles); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individuals request information concerning themselves). Thus, to the extent the information at issue pertains to a motor vehicle owned by the requestor, the city must release to the requestor the marked information pertaining to this vehicle, but withhold the remaining marked information under section 552.130 of the Government Code. To the extent the motor vehicle at issue is not owned by the requestor, the city must withhold the information you have marked, and the additional information we have marked, under section 552.130 of the Government Code.

In summary, the city may withhold the information you have marked under section 552.108(a)(2) of the Government Code. To the extent the information at issue pertains to a motor vehicle owned by the requestor, the city must release to the requestor the marked information pertaining to this vehicle, but withhold the remaining marked information under section 552.130 of the Government Code. To the extent the motor vehicle at issue is not owned by the requestor, the city must withhold the information you have marked, and the additional information 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.

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).

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 "Tim Neal". The signature is fluid and cursive, with the first name "Tim" being more prominent than the last name "Neal".

Tim Neal
Assistant Attorney General
Open Records Division

TN/bhf

Ref: ID# 569505

Enc. Submitted documents

c: Requestor
(w/o enclosures)