



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 1, 2015

Mr. Darrell G-M Noga
Counsel for the City of Coppell
Cantey Hanger, L.L.P.
1999 Bryan Street, Suite 3300
Dallas, Texas 75201-6822

OR2015-13213

Dear Mr. Noga:

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# 569485 (ORR# W001206-041315).

The City of Coppell (the "city"), which you represent, received a request for seven categories of information pertaining to a specified incident. You state you do not have information responsive to a portion of this request.¹ You state you will release some information to the requestor, including a DIC-23 peace officer's sworn report; a DIC-24 statutory warning; a DIC-25 notice of suspension; blood draw search warrant, affidavit, and lab submission form; court documents or orders related to the specified incident; and the training records of a specified peace officer. You claim the submitted information is excepted from disclosure under sections 552.101, 552.108, 552.130, and 552.147 of the Government Code. We have considered the exceptions you claim 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,

¹We note the Act does not require a governmental body to release information that did not exist when it received a request or create responsive information. See *Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 555 at 1 (1990), 452 at 3 (1986), 362 at 2 (1983).

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). You state the submitted information pertains to a pending criminal prosecution. Based on your 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 (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). Thus, section 552.108(a)(1) is applicable to the information at issue.

However, we note, and you acknowledge, section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. Gov’t Code § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle*. *See* 531 S.W.2d at 186-88; Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). We note basic information includes, among other items, an arrested person’s social security number, but does not include motor vehicle record information subject to section 552.130 of the Government Code. *See id.* Thus, with the exception of the basic information, which you state you will release, you may withhold the information you seek to withhold under section 552.108(a)(1) of the Government Code.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 personal identification document issued by an agency of this state or another state or country is excepted from public release. *See id.* § 552.130(a). Accordingly, the city must withhold the motor vehicle record information you have marked, as well as the additional information we have marked, under section 552.130 of the Government Code.

Section 552.147 of the Government Code provides “[t]he social security number of a living person is excepted from” required public disclosure. Gov’t Code § 552.147. Upon review, in releasing basic information, the city may withhold the social security number in the basic information you have marked under section 552.147 of the Government Code.

In summary, with the exception of basic information, which must be released, the city may withhold the submitted information under section 552.108(a)(1) of the Government Code. In releasing the basic information, the city may withhold the social security number in the basic information you have marked under section 552.147 of the Government Code. The city

²As our ruling is dispositive for this information, we need not address your remaining arguments against its disclosure.

must withhold the information you have marked, and the additional information we have marked, under section 552.130 of the Government Code. The remaining information must be released.

In summary, with the exception of basic information, which you state the city will release, the city may withhold the information at issue under section 552.108(a)(1) of the Government Code. In releasing the basic information, the city may withhold the arrestee's social security number under section 552.147 of the Government Code. The city must withhold the motor vehicle record information we have marked under section 552.130 of the Government Code.

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,



Joseph Belinke
Assistant Attorney General
Open Records Division

JB/som

Ref: ID# 569485

Enc. Submitted documents

c: Requestor
(w/o enclosures)