



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 4, 2015

Ms. Captoria Brown
Paralegal
Office of the City Attorney
City of Carrollton
1945 East Jackson Road
Carrollton, Texas 75006

OR2015-15940

Dear Ms. Brown:

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# 574190 (City ID Nos. 5051, 5204, and 5205).

The City of Carrollton (the "city") received a request for information pertaining to case numbers 2014-4561 and 2014-4567, and two requests from a different requestor for information pertaining to case number 2014-4567. You state you have released certain information to both requestors. You claim the submitted information is excepted from disclosure under sections 552.108, 552.130, 552.137, and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note you have submitted only information pertaining to case number 2014-4567 and have not submitted any information pertaining to case number 2014-4561. Thus, to the extent such information existed and was maintained by the city on the date the city received the first request for information, we presume the city has released it to the first requestor. If not, the city must do so at this time. *See* Gov't Code §§ 552.301, .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to the requested information, it must release the information as soon as possible).

Section 552.108(b) of the Government Code excepts from disclosure "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in

matters relating to law enforcement or prosecution . . . if: . . . (2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication[.]” Gov’t Code § 552.108(b)(2). A governmental body claiming section 552.108(b)(2) must demonstrate the information at issue relates to a concluded criminal case that did not result in a conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested). You state the information at issue pertains to a concluded criminal case that did not result in a conviction or deferred adjudication. Based on your representations, we agree section 552.108(b)(2) is applicable to the information at issue.

As you acknowledge, however, section 552.108 of the Government Code does not except from disclosure “basic information about an arrested person, an arrest, or a crime.” *Id.* § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). *See also* Open Records Decision No. 127 (1976) (summarizing the types of information considered to be basic information). Thus, with the exception of the basic information, which you state you have released, the city may withhold the information you have marked in the submitted offense report and the remaining information under section 552.108(b)(2).¹

Section 552.137 of the Government Code excepts from disclosure “an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body,” unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). Gov’t Code § 552.137(a)-(c). The e-mail addresses we have marked are not of the types specifically excluded by section 552.137(c). *See id.* § 552.137(c). Accordingly, the city must generally withhold the e-mail addresses we have marked under section 552.137 of the Government Code unless the owners of the addresses affirmatively consent to their release. However, we note one of the e-mail addresses we have marked belongs to the first requestor. This requestor has a right of access to his own personal e-mail address and it may not be withheld from him under section 552.137. *See id.* § 552.137(b) (personal e-mail address of member of public may be disclosed if owner of address affirmatively consents to its disclosure).

Section 552.147 of the Government Code excepts from disclosure the social security number of a living person. *Id.* § 552.147(a). Upon review, we find the city may withhold the arrestee’s social security number under section 552.147.

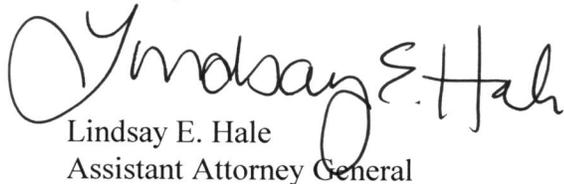
¹As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information, except to note basic information described in *Houston Chronicle* does not include information subject to section 552.130 of the Government Code.

In summary, with the exception of the basic information, the city may withhold the information you have marked in the submitted offense report and the remaining information under section 552.108(b)(2) of the Government Code. The city must withhold the e-mail addresses we have marked under section 552.137 of the Government Code unless the owners of the addresses affirmatively consent to their release; however, the city must release the first requestor's e-mail address to him pursuant to section 552.137(b). The city may withhold the arrestee's social security number under section 552.147 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.

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 that reads "Lindsay E. Hale". The signature is written in a cursive style with a large initial "L".

Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/dls

Ref: ID# 574190

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)