



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 31, 2015

Mr. Vance Hinds
Assistant Ellis County & District Attorney
Ellis County
109 South Jackson Street
Waxahachie, Texas 75165

OR2015-18163

Dear Mr. Hinds:

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# 583093.

The Ellis County Sheriff's Office (the "sheriff's office") received two requests for information regarding a specified incident. You claim some of the submitted information is 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 state the submitted information relates to a case that did not result in a conviction or deferred adjudication. Based on your representation, we conclude section 552.108(a)(2) is applicable to the information at issue. Therefore, the sheriff's office may withhold the information you have marked under section 552.108(a)(2) of the Government Code.

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. Upon review, we agree the information you marked consists of motor vehicle record information. However, we note section 552.130 protects personal privacy. Accordingly, the first requestor has a right of access to her own motor vehicle record information under section 552.023 of the Government Code and it may not be withheld from her under section 552.130. *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, except for the information to which the first requestor has a right of access, the sheriff's office must withhold the marked motor vehicle record information under section 552.130 of the Government Code.

In summary, the sheriff's office may withhold the marked information you have marked under 552.108(a)(2) of the Government Code. Except for the information to which the first requestor has a right of access, the sheriff's office must withhold the marked motor vehicle record information under section 552.130 of the Government Code. The remaining submitted 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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 583093

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)