



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 30, 2012

Ms. Karin W. Rilley
Associate General Counsel
University of North Texas System
Office of General Counsel
1155 Union Circle #310907
Denton, Texas 76203

OR2012-08278

Dear Ms. Rilley:

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# 455024 (UNT PIR No. 001086).

The University of North Texas Police Department (the “department”) received a request for records relating to a specified case. You state you will release some of the requested information. You claim portions of the submitted information are excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

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

¹We assume the “representative sample” of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

body claiming section 552.108 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 information you have marked and the submitted video recordings relate to a pending criminal investigation and release of the information would interfere with the detection, investigation, and prosecution of a crime. You have also submitted a letter from the Denton County Criminal District Attorney's Office stating the district attorney objects to the release of the information at issue because it pertains to a pending criminal prosecution. Based on these representations and our review, we conclude section 552.108(a)(1) is applicable to the information at issue. *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). Accordingly, the department may withhold the information you have marked and the submitted video recordings under section 552.108(a)(1) of the Government Code.

We note a portion of the remaining information is subject to section 552.130 of the Government Code.² Section 552.130 excepts from disclosure information related to a motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country. *See Gov't Code* § 552.130(a)(1). Therefore, the department must withhold the driver's license number we have marked under section 552.130 of the Government Code.

In summary, the department may withhold the information you have marked and the submitted video recordings under section 552.108(a)(1) of the Government Code. The department must withhold the driver's license number we have marked under section 552.130 of the Government Code. The remaining information must be released.³

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.oag.state.tx.us/open/index_orl.php, 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

²The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

³We note the information being released contains a social security number subject to section 552.147 of the Government Code. Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public released without the necessity of requesting a decision from this office under the Act. *Gov't Code* § 552.147(b).

information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles Galindo Jr.', with a stylized flourish at the end.

Charles Galindo Jr.
Assistant Attorney General
Open Records Division

CG/em

Ref: ID# 455024

Enc. Submitted documents

c: Requestor
(w/o enclosures)