



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 3, 2019

Ms. Jennifer Slack  
Assistant District Attorney  
Lubbock County  
P.O. Box 10536  
Lubbock, Texas 79408-3536

OR2019-14557

Dear Ms. Slack:

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# 768232 (ORR. 1373).

Lubbock County (the "county") received a request for all incident reports pertaining to the requestor. You state you will release some information to the requestor, including basic information pertaining to the submitted incident reports. *See* Gov't Code § 552.108(c) (basic information about an arrest, arrested person, or crime not excepted from disclosure under section 552.108). You claim some of 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)(2) of the Government Code excepts from disclosure information concerning an investigation that did not result in conviction or deferred adjudication. *See* 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 has concluded in a final result other than 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). The county states some of the submitted information, which it has marked, relates to closed criminal investigations that did not result in conviction or deferred adjudication. Based on this representation and our review, we agree section 552.108(a)(2)

is applicable to the marked information. Accordingly, the county may withhold the information it marked under section 552.108(a)(2) of the Government Code.<sup>1</sup>

Section 552.101 of the Government Code excepts from public disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” *Id.* § 552.101. Section 552.101 encompasses chapter 772 of the Health and Safety Code, which authorizes the development of local emergency communication districts. Sections 772.118, 772.218, and 772.318 of the Health and Safety Code apply only to an emergency 9-1-1 district established in accordance with chapter 772. *See* Open Records Decision No. 649 (1996). These statutes make confidential the originating telephone numbers and addresses of 9-1-1 callers that are furnished by a service supplier. *Id.* at 2. Section 772.318 applies to an emergency communication district for a county with a population of more than 20,000. The county states the emergency communication district here is subject to section 772.318. Accordingly, if the telephone number and address the county marked consist of an originating telephone number and address of a 9-1-1 caller provided by a service supplier, the county must withhold this information under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. However, if the information at issue is not an originating telephone number or address of a 9-1-1 caller supplied by a 9-1-1 service supplier, then the county may not withhold this information under section 552.101 on the basis of section 772.318.

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* Gov’t Code § 552.130. We note section 552.130 protects personal privacy. Accordingly, the requestor has a right of access to his own motor vehicle record information under section 552.023 of the Government Code and it may not be withheld from him 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). Upon review, we find some of the remaining information consists of motor vehicle record information. However, because we are unable to determine whether the information at issue belongs to the requestor, we must rule conditionally. Thus, to the extent the motor vehicle record information you marked does not belong to the requestor, the county must withhold it under section 552.130 of the Government Code.

In summary, the county may withhold the information it marked under section 552.108(a)(2) of the Government Code. If the telephone number and address of the 9-1-1 caller at issue were furnished by a 9-1-1 service supplier, the county must withhold the telephone number

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<sup>1</sup>As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information.

and address of the caller at issue under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. If the motor vehicle record information you marked does not belong to the requestor, the county must withhold it under section 552.130 of the Government Code. The county 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](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,



Lecelle Clarke  
Attorney  
Open Records Division

LC/mo

Ref: ID# 768232

Enc. Submitted documents

c: Requestor  
(w/o enclosures)