



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 27, 2019

Ms. Karen Strand
Senior Assistant City Attorney
City of Mesquite
P.O. Box 850137
Mesquite, Texas 75185-0137

OR2019-27159

Dear Ms. Strand:

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# 787955.

The Mesquite Police Department (the "department") received a request for records related to a specified incident. You state you have released some information to the requestor. You state you will redact public citizens' dates of birth pursuant to Open Records Letter No. 2015-24970 (2015).¹ You further state you will redact originating addresses and telephone numbers of 9-1-1 callers pursuant to Open Records Letter Nos. 2011-15761 (2011) and 2011-15075 (2011) and Federal Bureau of Investigation ("FBI") numbers pursuant to Open Records Letter No. 2012-07334 (2012).² Finally, you state the department will redact personal e-mail addresses under section 552.137 of the Government

¹ Open Records Letter No. 2015-24970 authorizes the department to withhold public citizens' dates of birth under section 552.101 of the Government Code in conjunction with common-law privacy without requesting a ruling from this office.

² Open Records Letter Nos. 2011-15761 and 2011-15075 authorize the department to withhold the originating addresses and telephone numbers, respectively, of 9-1-1 callers furnished to the department by a service supplier established in accordance with chapter 772 of the Health and Safety Code under section 552.101 of the Government Code in conjunction with section 772.118 of the Health and Safety Code without requesting a decision. Open Records Letter No. 2012-07334 authorizes the department to withhold FBI numbers under section 552.101 of the Government Code in conjunction with section 411.083 of the Government Code and federal law without requesting a ruling from this office.

Code in accordance with Open Records Decision No. 684 (2009).³ You claim portions of the submitted information are excepted from disclosure under sections 552.101, 552.108, 552.1175, 552.130, and 552.147 of the Government Code.⁴ 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, 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 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 relates to a pending criminal investigation or prosecution. Based on your representation and our review, we find 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, the department may withhold the information you have marked under section 552.108(a)(1) of the Government Code.⁵

Section 552.1175 of the Government Code excepts from disclosure the home address, home telephone number, emergency contact information, date of birth, social security number, and family member information of certain individuals, when that information is held by a governmental body in a non-employment capacity and the individual elects to keep the information confidential. Gov’t Code § 552.1175. Section 552.1175 applies, in part, to “peace officers as defined by Article 2.12, Code of Criminal Procedure[.]” *Id.* § 552.1175(a)(1). You state the information you have marked consists of personal information of licensed peace officer. Thus, to the extent the information you have marked under section 552.1175 relates to a currently-licensed peace officer and the individual elects to restrict access to the information in accordance with section 552.1175(b), the department must withhold the information you have marked and this individual’s social security number under section 552.1175 of the Government Code. To the extent the individual whose information is at issue is not an individual to whom section 552.1175(a) applies or if no election is made, the department may not withhold the information under section 552.1175.

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

³ Open Records Decision No. 684 serves as a previous determination to all governmental bodies authorizing them to withhold certain categories of information, including personal e-mail addresses under section 552.137 of the Government Code, without the necessity of requesting an attorney general decision.

⁴ Although you also raise section 552.117 of the Government Code, we note section 552.1175 of the Government Code is the proper exception to raise for information not held in an employment context.

⁵ As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information.

identification document issued by an agency of this state or another state or country is excepted from public release. *See id.* § 552.130. Accordingly, the department must withhold the remaining motor vehicle record information you have marked under section 552.130 of the Government Code.

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 department may withhold the social security numbers you have marked, including the social security number of the individual whose information you have marked if that information is not confidential pursuant to section 552.1175 of the Government Code, under section 552.147 of the Government Code.

In summary, the department may withhold the information you have marked under section 552.108(a)(1) of the Government Code. To the extent the information you have marked under section 552.1175 relates to a currently-licensed peace officer and the individual elects to restrict access to the information in accordance with section 552.1175(b), the department must withhold the information you have marked and this individual's social security number under section 552.1175 of the Government Code. The department must withhold the remaining motor vehicle record information you have marked under section 552.130 of the Government Code. The department may withhold the social security numbers you have marked, including the social security number of the individual whose information you have marked if that information is not confidential pursuant to section 552.1175 of the Government Code, under section 552.147 of the Government Code. The department 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Tim Neal
Assistant Attorney General
Open Records Division

TN/mo

Ref: ID# 787955

Enc. Submitted documents

c: Requestor
(w/o enclosures)