



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 15, 2020

Ms. Julie P. Doshier  
Counsel for the City of Allen  
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500 North Akard Street, Suite 1800  
Dallas, Texas 75201

OR2020-10954

Dear Ms. Doshier:

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# 827096 (File Reference #114183).

The Allen Police Department (the "department"), which you represent, received a request for a specified police report. You state the department has released some information. You also state the department will redact dates of birth of members of the public pursuant to the previous determination issued in Open Records Letter No. 2018-11817 (2018).<sup>1</sup> You claim the submitted information is excepted from disclosure under sections 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) 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: (1) release of the information would interfere with the detection, investigation, or prosecution of crime." Gov't Code § 552.108(a)(1). Generally, 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 at issue relates to a pending criminal investigation, and release of the information would interfere with the investigation and prosecution of the case. Based upon this representation, we conclude the release of the information would interfere with

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<sup>1</sup> Open Records Letter No. 2018-11817 authorized the department to withhold dates of birth of members of the public under section 552.101 of the Government Code in conjunction with common-law privacy without the necessity of requesting an attorney general's decision. *See* Open Records Decision No. 673 at 7-8 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code).

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, section 552.108(a)(1) is applicable to the information at issue. Accordingly, the department may withhold the information you marked under section 552.108(a)(1) of the Government Code.

You state the department will redact information pursuant to section 552.130(c) of the Government Code.<sup>2</sup> 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, however, because section 552.130 protects privacy interests, the requestor has a right of access to his minor child's motor vehicle record information pursuant to section 552.023 of the Government Code. *See id.* § 552.023(a) ("person or a person's authorized representative has special right of access, beyond right of general public, to information held by governmental body that relates to person and that is protected from public disclosure by laws intended to protect that person's privacy interests"); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning herself). Thus, with the exception of the information pertaining to the requestor's minor child, the department must withhold the motor vehicle record information you marked under section 552.130 of the Government Code.

You state the department will redact information pursuant to section 552.147(b) of the Government Code.<sup>3</sup> Section 552.147(a) of the Government Code excepts the social security number of a living individual from public disclosure. *Gov't Code* § 552.147(a). As noted above, however, the requestor has a right of access to information pertaining to his minor child that would otherwise be private. *See id.* § 552.023; ORD 481 at 4. Therefore, the department may not withhold requestor's minor child's social security number you marked under section 552.147(a) of the Government Code.

In summary, the department may withhold the information you marked under section 552.108(a)(1) of the Government Code. With the exception of the information pertaining to the requestor's minor child, the department must withhold the motor vehicle record information you marked under section 552.130 of the Government Code. The department must release the remaining information.<sup>4</sup>

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<sup>2</sup> Section 552.130(c) of the Government Code allows a governmental body to redact the information described in section 552.130(a) without the necessity of seeking a decision from the attorney general. *See Gov't Code* § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e).

<sup>3</sup> Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office. *See Gov't Code* § 552.147(b).

<sup>4</sup> We note the requestor has a right of access to the information being released in this instance. *See Fam. Code* § 58.008(d); *see also Gov't Code* § 552.023; ORD 481 at 4. Accordingly, if the department receives another

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,

Kieran Hillis  
Assistant Attorney General  
Open Records Division

KH/be

Ref: ID# 827096

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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request for this same information from a different requestor, the department must again seek a ruling from this office.