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ATTORNEY GENERAL OF TEXAS

December 3, 2020

Ms. Justine Tan
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Galveston County
600 59th Street, Suite 1001
Galveston, Texas 77551-4137

OR2020-30179

Dear Ms. Tan:

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# 856704 (Ref. Nos. 20-164 and 20-184).

The Galveston County Sheriff's Office (the "sheriff's office") received two requests from different requestors for information pertaining to a specified incident. You claim some of the submitted information is excepted from disclosure under sections 552.101, 552.103, 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)(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: (1) 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 information at issue 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, 710 (Tex. 1977). You state the submitted information relates to a pending criminal investigation. Based on this representation, we conclude the 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, 186-87 (Tex. Civ. App.—Houston [14th Dist.] 1975) (delineating law enforcement interests present in active cases), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

We note, however, section 552.108 does not except from disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Basic

information refers to the information held to be public in *Houston Chronicle*. See 531 S.W.2d at 186-88; Open Records Decision No. 127 (1976) (summarizing the types of information considered to be basic information). We note basic information includes an arrestee's social security number. See ORD 127 at 3-4. Thus, with the exception of the basic information, the sheriff's office may withhold the information you marked and indicated under section 552.108(a)(1) of the Government Code.¹

Section 552.147 of the Government Code provides that "[t]he social security number of a living person is excepted from" required public disclosure under the Act. Gov't Code § 552.147(a). We note the social security number at issue belongs to the first requestor. Thus, the first requestor has a right of access to her own social security number, and it may not be withheld from her under section 552.147. See generally *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). Accordingly, the sheriff's office may withhold the arrestee's social security number from the second requestor under section 552.147 of the Government Code.

In summary, with the exception of the basic information, the sheriff's office may withhold the information you marked and indicated under section 552.108(a)(1) of the Government Code. The sheriff's office may withhold the arrestee's social security number from the second requestor under section 552.147 of the Government Code. The sheriff's office 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,

Matthew Taylor
Assistant Attorney General
Open Records Division

MT/be

¹ As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information except to note basic information may not be withheld from public disclosure under section 552.103. See Open Records Decision No. 597 at 2-3 (1991).

Ms. Justine Tan - Page 3

Ref: ID# 854704

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)