



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 15, 1997

Ms. Lan P. Nguyen
Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR97-1837

Dear Ms. Nguyen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 107998.

The City of Houston Police Department (the "police department") received a request for "any and all pawn slips directly related to" a particular individual. You contend that the requested documents are exempted from disclosure under sections 552.101 and 552.108 of the Government Code. You have submitted a representative sample of the requested documents to this office for review.¹

Section 552.101 of the Government Code exempts from required public disclosure information considered to be confidential by law, either constitutional, statutory, or by judicial decision. You argue that the requested documents are confidential under V.T.C.S. art. 5069-51.08, which authorizes the police department to examine pawn shop records. V.T.C.S. art. 5069-51.08 provides in pertinent part:

- (a) At such times as the Commissioner may deem necessary, the Commissioner, or his duly authorized representative, may make an examination of the place of business of each licensee, may inquire into and examine the transactions, books, accounts, papers, correspondence and records of such licensee insofar as they pertain to the business regulated by this Act, and may examine or inspect pledged goods and purchased goods required to be identified under Section 16(9) of this

¹We assume that 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 that those records contain substantially different types of information than that submitted to this office.

Act. Such books, accounts, papers, correspondence and records shall also be open for inspection at any reasonable time *by any peace officer*, without need of judicial writ or other process. In the course of an examination, the Commissioner or his duly authorized representative shall have free access to the office, place of business, files, safes, and vaults of such licensee, and shall have the right to make copies of any books, accounts, papers, correspondence and records. The Commissioner or his duly authorized representative may, during the course of such examination, administer oaths and examine any person under oath upon any subject pertinent to any matter about which the Commissioner is authorized or required by this Act to consider, investigate, or secure information. . . . The information obtained in the course of any examination or inspection shall be confidential and privileged, except for lawful use by the Commissioner, or in a criminal investigation or prosecution (Emphasis added).

You state that the police department compiles the requested documents “for the detection and investigation of crime related to pledged property that may be stolen.” Under these circumstances, we conclude that the requested documents are made confidential by V.T.C.S. art. 5069-51.08 and must be withheld from disclosure under section 552.101.²

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 107998

Enclosures: Submitted documents

²Because we are able to resolve this matter under section 552.101, we need not address your assertion that section 552.108 also exempts the requested documents from disclosure.

cc: Mr. James W. Dunbar
Vice-President
The Information Bank of Texas, Inc.
111 W. 14th Street
Houston, Texas 77008
(w/o enclosures)

Handwritten mark

