



Office of the Attorney General
State of Texas

September 4, 1998

DAN MORALES
ATTORNEY GENERAL

Ms. Leah Davis-Bates
Attorney at Law
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR98-2124

Dear Ms. Bates:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117811.

The Texas Department of Public Safety (the "department") received two requests from the same requestor for information relating to the licensure of a particular individual as a concealed handgun instructor. You contend that some of the requested information is excepted from disclosure pursuant to section 552.101 of the Government Code, in conjunction with section 411.192 of the Government Code. We have considered the exception you claim and have reviewed the information at issue.

Section 552.101 of the Government Code excepts from disclosure information considered to be confidential by law, either constitutional, statutory, or by judicial decision. Sections 411.192 and 411.193 of the Government Code govern the release of all information maintained by the department concerning the licensure of concealed handgun instructors and of individuals to carry a concealed handgun. Section 411.192 provides:

The department shall disclose to a criminal justice agency information contained in its files and records regarding whether a named individual or any individual named in a specified list is licensed under this subchapter. The department shall, on written request and payment of a reasonable fee to cover costs of copying, disclose to any other individual whether a named individual or any individual whose full name is listed on a specified written list is licensed under this subchapter. Information on an individual subject to disclosure under this section includes the individual's name, date of birth, gender, race, and zip code. *Except as otherwise provided by this section and by Section 411.193, all other records maintained under this subchapter are confidential and are not subject to mandatory disclosure under the open records law, Chapter 552,*

Government Code, except that the applicant or license holder may be furnished a copy of disclosable records on request and the payment of a reasonable fee. The department shall notify a license holder of any request that is made for information relating to the license holder under this section and provide the name of the person or agency making the request. This section does not prohibit the department from making public and distributing to the public at no cost lists of individuals who are certified as qualified handgun instructors by the department.

Gov't Code § 411.192 (emphasis added). Section 411.193 further states:

The department shall make available, on request and payment of a reasonable fee to cover costs of copying, a statistical report that includes the number of licenses issued, denied, revoked, or suspended by the department during the preceding month, listed by age, gender, race, and zip code of the applicant or license holder.

Gov't Code § 411.193. You contend that the information at issue is confidential under section 411.192. We agree. Therefore, the department must withhold the information from disclosure under section 552.101 as information deemed confidential by statute.

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 questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/mjc

Ref: ID# 117811

Enclosures: Submitted documents

cc: Mr. Richard Moore
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(w/o enclosures)