



March 17, 1999

Ms. Judith Doran  
Open Records Coordinator  
Texas Department of Parks & Wildlife  
4200 Smith School Road  
Austin, Texas 78744-3291

OR99-0921

Dear Ms. Doran:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 123203.

The Texas Parks and Wildlife Department (the "department") received a request for the following information concerning Antlerless and Spike-Antlered Deer control permits issued for the 1998-99 season:

1. Names and addresses of those applying for permits;
2. Names and addresses of those receiving permits;
3. Number and type of permits received by each applicant;
4. Summaries of information for previous years;
5. Harvest information for the current season when it becomes available.

You claim that some of the requested information is excepted from disclosure under section 552.101 of the Government Code in conjunction with sections 11.030, 12.0251 and 12.103 of the Parks & Wildlife Code. You submitted to this office Attachment V, a list of

permittees, including city, zip code, number of tags and number of harvesters.<sup>1</sup> We have considered the exceptions you claim and reviewed the submitted information.

You claim that the submitted information is confidential under sections 12.0251 and 12.103 of the Texas Parks and Wildlife Code. You have not explained, and it is not apparent to us how, the submitted information falls within the scope of section 12.0251 or section 12.103. Therefore, we conclude that these provisions are not applicable to the submitted information.

Section 11.030 of the Parks and Wildlife Code provides:

(a) The name and address and a telephone, social security, driver's license, bank account, credit card, or charge card number of a person who purchases customer products, licenses<sup>2</sup>, or services from the department may not be disclosed **except as authorized under this section or Section 12.0251.** [Emphasis added.]

(b) Chapter 552, Government Code, does not apply to customer information described by Subsection (a).

(c) The commission by rule shall adopt policies relating to:

(1) the release of the customer information:

...

Parks & Wild. Code §11.030.

Pursuant to section 11.030 of the Parks and Wildlife Code, section 53.33 of title 31 of the Texas Administrative Code gives discretion to the department to release customer information:

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<sup>1</sup>In reaching our conclusion here, we 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) (where requested documents are numerous and repetitive, governmental body should submit a representative sample; but if each record contains substantially different information, all must be submitted). 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.

<sup>2</sup>We assume that the name and address of a person who purchases a permit is customer information as defined by section 11.030 of the Parks and Wildlife Code.

(a) The department may release customer information to accomplish its underlying mission and goals. It is the policy of the commission that certain personal information about the department's customers shall not be released, including, but not limited to, customers' social security, drivers' license, bank account, credit card, or charge card numbers, except where release of such information is dictated by statute or valid court order. The department may release a customer's telephone number only when the customer gives the department prior written consent.

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31 T.A.C. § 53.33 (West 1998). In accordance with this provision, the department may release the requested information if it will accomplish the purpose and goals of the department.

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.

Sincerely,



Emilie F. Stewart  
Assistant Attorney General  
Open Records Division

EFS\nc

Ref: ID# 123203

Enclosures: Submitted documents

cc: Mr. Alan Allen  
Sportsmen Conservationists of Texas  
807 Brazos, Suite 311  
Austin, Texas 78701  
(w/o enclosures)