



**ATTORNEY GENERAL OF TEXAS**  
**GREG ABBOTT**

July 8, 2004

Mr. Chris Settle  
Assistant City Attorney  
City of Dallas  
Police and Courts Building  
Dallas, Texas 75201-5238

OR200-5571

Dear Mr. Settle:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 205132.

The City of Dallas Police Department (the "department") received a request for an internal affairs report and a letter sent to the "Citizens/Police Review Board" by the requestor. You claim that some or all of the requested information is excepted from disclosure under section 552.117 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.117(a)(2) excepts from public disclosure the home address, home telephone number, and social security number of a peace officer, as well as information that reveals whether the peace officer has family members, regardless of whether the peace officer complies with sections 552.024 or 552.1175. Section 552.117(a)(2) adopts the definition of peace officer found at article 2.12 of the Code of Criminal Procedure. We have marked the information that must be withheld under section 552.117(a)(2).

We also note that the submitted documents contain information that is excepted from disclosure under section 552.130 of the Government Code. Section 552.130 provides in relevant part:

(a) Information is excepted from the requirement of Section 552.021 if the information relates to:

- (1) a motor vehicle operator's or driver's license or permit issued by an agency of this state; [or]
- (2) a motor vehicle title or registration issued by an agency of this state[.]

We have marked drivers license numbers and a license plate number that must be withheld under section 552.130 of the Government Code if they relate to driver's licenses and a license plate issued by an agency of the State of Texas. If the driver's license number and license plate number we have marked do not relate to driver's licenses or license plates issued by an agency of this state, the numbers must be released. We note that the submitted documents also contain a driver's license and license plate number belonging to the requestor. The requestor has a special right of access to this information. *See Gov't Code § 552.023.*

Finally, we note that the submitted information contains an insurance policy number that may be excepted from disclosure under section 552.136 of the Government Code. Section 552.136 states that "[n]otwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential." Gov't Code § 552.136. Section 552.136 is designed to protect privacy interests. Therefore, section 552.136 cannot be used to withhold an access device number from the person to whom it belongs. *See Gov't Code § 552.023.* Here, we are unable to determine if the marked insurance policy number belongs to the requestor. If the marked insurance policy number does belong to the requestor, the department must release the number under section 552.023 of the Government Code; if the marked insurance policy number does not belong to the requestor, the department must withhold the number under section 552.136.

In summary, the department must withhold the information we have marked under section 552.117(a)(2) of the Government Code. The department must also withhold the information we have marked under section 552.130 of the Government Code to the extent that the information relates to a driver's license or license plate issue by an agency of the State of Texas. The department must withhold the marked insurance policy number under section 552.136 of the Government Code to the extent that the number does not belong to the requestor. The department must release the remainder of the submitted information.<sup>1</sup>

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<sup>1</sup>Some of the documents marked for release contain or consist of confidential information that is not subject to release to the general public. *See Gov't Code § 552.352.* However, the requestor in this instance has a special right of access to the information. Gov't Code § 552.023. Because some of the information is confidential with respect to the general public, if the department receives a future request for this information from an individual other than the requestor or her authorized representative, the department should again seek

This letter ruling is limited to the particular records 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 records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Tex. Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at (512) 475-2497.

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our decision.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in cursive script that reads "Nathan E. Bowden".

Nathan E. Bowden  
Assistant Attorney General  
Open Records Division

NEB/sdk

Ref: ID# 205132

Enc: Submitted documents

c: Ms. Ashly Carter  
9431 Gossage Lane  
Dallas, Texas 75227  
(w/o enclosures)