



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 20, 2009

Mr. James G. Nolan  
Assistant General Counsel  
Texas Comptroller of Public Accounts  
P.O. Box 13528  
Austin, Texas 78711-3528

OR2009-00763

Dear Mr. Nolan:

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# 333334.

The Texas Comptroller of Public Accounts (the "comptroller") received a request for certain forms and supporting documentation for coin-operated machine general business licenses filed by specified persons and business entities during a specified range of dates. You state that you have released a portion of the requested information. You claim that the submitted information is excepted from disclosure under sections 552.101, 552.103, 552.130, 552.136, and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information that other statutes make confidential. You inform us that the information at issue pertains to coin-operated machines regulated by the comptroller under chapter 2153 of the Occupations Code. *See* Occ. Code § 2153.051 (duties of comptroller in administering chapter 2153, regulating coin-operating machines). Section 2153.101 of the Occupations Code provides:

- (a) Except as provided by Subsection (b), information contained in a license application is confidential.
- (b) After a license is issued under this chapter, the ownership statement contained in the license application is a public record.

Occ. Code § 2153.101. Section 2153.102 of the Occupations Code provides:

Except for information specifically designated as a public record, information derived from a book, record, report, or application required to be made available under this chapter to the comptroller or attorney general:

(1) is confidential; and

(2) may only be used to enforce this chapter.

*Id.* § 2153.102.

You inform us that the comptroller has provided the requestor with all of the responsive ownership statements. You also state that the submitted information consists of permit application documents or other records required by Chapter 2153 to be made available to the comptroller. Upon review, we agree that the information contained in these materials is confidential under sections 2153.101 and 2153.102 of the Occupations Code and therefore must be withheld pursuant to section 552.101 of the Government Code.<sup>1</sup>

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 [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Ryan T. Mitchell  
Assistant Attorney General  
Open Records Division

RTM/jb

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<sup>1</sup>As our ruling is dispositive, we need not address your remaining arguments against disclosure.

Ref: ID# 333334

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)