



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 28, 2009

Ms. Marivi Gambini  
Paralegal  
City Attorney's Office  
City of Irving  
825 West Irving Boulevard  
Irving, Texas 75060

OR2009-01118

Dear Ms. Gambini:

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# 337432.

The City of Irving (the "city") received a request for information pertaining to specified city employees. You state that some responsive information has been released to the requestor. You also state that social security numbers will be redacted pursuant to section 552.147 of the Government Code.<sup>1</sup> You claim that some of the submitted information is excepted from disclosure under sections 552.117 and 552.130 of the Government Code.<sup>2</sup> We have considered the exceptions you claim and reviewed the submitted information.

Section 552.117(a)(1) of the Government Code excepts from disclosure the current and former home addresses, telephone numbers, social security numbers, and family member information of current or former officials or employees of a governmental body who request that this information be kept confidential under section 552.024 of the Government Code. Gov't § 552.117(a)(1). Whether a particular piece of information is protected under section 552.117(a)(1) must be determined at the time the request for it is made. *See* Open Records Decision No. 530 at 5 (1989). You state, and provide documentation showing, that

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<sup>1</sup>Section 552.147(b) authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act.

<sup>2</sup>Although you raise section 552.101 of the Government Code as an exception to the disclosure of the requested information, you have provided no arguments regarding the applicability of this section. Thus, we assume that you no longer urge this section. *See* Gov't Code §§ 552.301(b), (e), .302.

prior to the city's receipt of the instant request, the employees at issue elected to keep their information confidential pursuant to section 552.024. Thus, the city must withhold the personal information that you have marked, in addition to the information we have marked, pursuant to section 552.117(a)(1) of the Government Code.

Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by a Texas agency. Gov't Code § 552.130(a)(1), (2). The city must withhold the information that we have marked under section 552.130 of the Government Code.

In summary, the city must withhold the marked information under sections 552.117(a)(1) and 552.130 of the Government Code. The remaining information must be released.

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,



Paige Savoie  
Assistant Attorney General  
Open Records Division

PS/eeg

Ref: ID# 337432

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)