



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 14, 2009

Ms. Pamela Smith  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR2009-06559

Dear Ms. Smith:

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# 343133 (OR 09-0418).

The Texas Department of Public Safety (the "department") received a request for all records reflecting a concealed handgun license granted prior to 9/1/2007 for a named individual. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information. We have also considered comments submitted by the requestor. See Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released).

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 section encompasses information protected by other statutes. Section 411.192 of the Government Code governs the release of all information maintained by the department concerning the licensure of individuals to carry a concealed handgun, and provides as follows:

- (a) 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. 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.

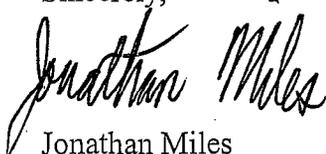
(b) An applicant or license holder may be furnished a copy of disclosable records regarding the applicant or license holder on request and the payment of a reasonable fee.

*Id.* § 411.192(a), (b). In this instance, the requestor is neither a criminal justice agency nor the license holder. We note that section 411.193 is not applicable because the submitted information does not constitute a statistical report. *Id.* § 411.193 (making a statistical report including the number of licenses issued, denied, revoked, or suspended by the department during the preceding month available to the public). Therefore, the department must withhold the submitted concealed handgun license information under section 552.101 in conjunction with section 411.192 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,



Jonathan Miles  
Assistant Attorney General  
Open Records Division

JM/cc

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<sup>1</sup>We note that, in his request letter, the requestor argues that the submitted information, which consists of concealed handgun licensing information for a license granted prior to September 1, 2007, is "available to the public since it was available to the public prior to the passage of [House Bill] 991." We note that the Legislature amended section 411.192 of the Government Code in 2007 to limit access to an individual's concealed handgun license records to criminal justice agencies and to the license holder himself, whereas formerly, certain handgun licensure information of an individual had been available under the statute to any person upon request. See Act of May 10, 1997, 75<sup>th</sup> Leg., R.S., ch. 165, 1997 Tex. Gen. Laws 327, 407, amended by Act of May 11, 2007, 80<sup>th</sup> Leg., R.S., ch. 172, § 1, 2007 Tex. Sess. Law. Serv. 231. The submitted information reflects that it was created after the effective date of the amendment, which was May 23, 2007. Accordingly, the submitted information was never subject to the prior version of section 411.192.

Ref: ID# 343133

Enc. Submitted documents

c: Requestor  
(w/o enclosures)