



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 15, 2009

Ms. Eileen McPhee
Carls, McDonald & Dalrymple, LLP
901 South MoPac Expressway Suite 500
Austin, Texas 78746

OR2009-13037

Dear Ms. McPhee:

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# 359905 (CMcD # 2141).

The Georgetown Police Department (the "department"), which you represent, received a request for a police report relating to a named individual and a specified offense. You state that some of the requested information has been released. You claim that the rest of the requested information is excepted from disclosure under sections 552.130 and 552.136 of the Government Code. We have considered the exception you claim and reviewed the information you submitted.

Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle title or registration issued by an agency of this state or a personal identification document issued by an agency of this state or a local agency authorized to issue an identification document. *See* Gov't Code § 552.130(a)(2)-(3). We note that this exception protects personal privacy. In this instance, the requestor is an authorized representative of the individual whose Texas motor vehicle and personal identification information are at issue. As such, the requestor has a special right of access under section 552.023 of the Government Code to the information that the department seeks to withhold under section 552.130. *See id.* § 552.023; Open Records Decision No. 481 at 4 (1987) (privacy

theories not implicated when individual requests information concerning himself).¹ Therefore, the motor vehicle and personal identification information that you have marked may not be withheld from this requestor under section 552.130 and must be released.

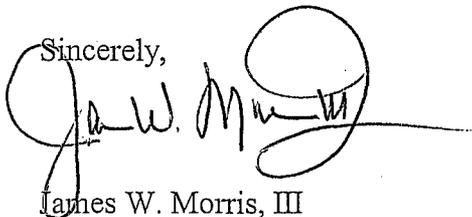
Section 552.136 of the Government Code provides in part that “[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.” Gov’t Code § 552.136(b); *see id.* § 552.136(a) (defining “access device”). We agree that the department must withhold the credit card account number that we have marked under section 552.136.

In summary, the department must withhold the marked credit card account number under section 552.136 of the Government Code. The rest of the information at issue must be released.²

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, 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, toll free, at (888) 672-6787.

Sincerely,



James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/cc

¹Section 552.023 provides in part that “[a] person or a person’s authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person’s privacy interests.” Gov’t Code § 552.023(a).

²Should the department receive another request for these same records from a person who would not have a right of access to the private information that must be released to this requestor, the department should resubmit these records and request another decision. *See* Gov’t Code §§ 552.301(a), .302.

Ref: ID# 359905

Enc: Submitted documents

c: Requestor
(w/o enclosures)