



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 28, 2009

Ms. Mariví Gambini
Irving City Attorney's Office
825 West Irving Boulevard
Irving, Texas 75060

OR2009-13582

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# 356459.

The City of Irving (the "city") received a request for the employment application of a specified city employee. You state that the city has released some responsive information to the requestor. You also state that the city will redact the employee's home address, telephone numbers, and social security number under section 552.117 of the Government Code.¹ You claim that portions of the submitted information are excepted from disclosure under section 552.130 of the Government Code.² We have considered the exception you claim and reviewed the submitted information.

Initially, we note that the submitted information contains personal information, beyond what you have redacted, that is subject to section 552.117 of the Government Code. Section 552.117(a)(1) excepts from disclosure the home address and telephone number, social security number, and family member information of a current or former official or employee of a governmental body who requests that the information be kept confidential under section 552.024 of the Government Code. Whether a particular item of information

¹ See Act of May 17, 1993, 73rd Leg., R.S., ch. 268, § 1, sec. 552.024, 1993 Tex. Gen. Laws 583, 599, amended by Act of June 3, 2009, 81st Leg., R.S., ch. 283, § 1, 2009 Tex. Sess. Law Serv. 741, 741 (Vernon) (to be codified as an amendment to Gov't Code § 552.024(c)) (if employee or official or former employee or official chooses not to allow public access to their personal information, the governmental body may redact the information without the necessity of requesting a decision from this office).

² Although you also raise section 552.101 of the Government Code as an exception against disclosure for the Texas driver's license information you have marked, we note that section 552.130 is the proper exception for this information.

is protected by section 552.117(a)(1) must be determined at the time of the governmental body's receipt of the request for the information. *See* Open Records Decision No. 530 at 5 (1989). Thus, information may be withheld under section 552.117(a)(1) only on behalf of a current or former official or employee who made a request for confidentiality under section 552.024 prior to the date of the governmental body's receipt of the request for the information. Therefore, the city must withhold the information we have marked under section 552.117(a)(1) to the extent the employee concerned timely elected under section 552.024 to keep such information confidential.

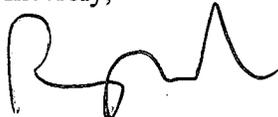
Section 552.130 of the Government Code excepts from disclosure "information [that] relates to . . . a motor vehicle operator's or driver's license or permit issued by an agency of this state[.]" Gov't Code § 552.130(a)(1). Accordingly, the city must withhold the Texas driver's license information we have marked pursuant to section 552.130. The remaining information you have marked under this exception does not constitute personal information related to a Texas driver's license, and the city may not withhold this information under section 552.130.

In summary, the city must withhold: (1) the information we have marked under section 552.117(a)(1) of the Government Code to the extent the employee concerned timely elected under section 552.024 of the Government Code to keep such information confidential; and (2) the Texas driver's license information we have marked pursuant to section 552.130 of the Government Code. As you raise no further exceptions against disclosure, the city must release the remainder of the submitted information.

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 at (512) 475-2497.

Sincerely,



Ryan T. Mitchell
Assistant Attorney General
Open Records Division

RTM/rl

Ref: ID# 356459

Enc. Submitted documents

cc: Requestor
(w/o enclosures)