



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 7, 2009

Ms. Marivi Gambini
Paralegal
City of Irving
825 West Irving Boulevard
Irving, Texas 75060

OR2009-14160

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# 357538.

The City of Irving (the "city") received a request for the employment application of a specified city employee and any information showing that employee's qualifications to inspect for city code violations. You state that you are releasing some of the requested information, but with redactions made pursuant to 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. We have considered the exception you claim and reviewed the submitted information.

Initially, we note the city did not submit information responsive of the portion of the request seeking the employee's qualifications to inspect for city code violations. To the extent any information responsive to this portion of the request existed on the date the city received the request, we assume the city has released it. If the city has not released any such information, it must do so at this time. *See id.* §§ 552.301(a), .302; *see also* Open Records Decision

¹Section 552.117 of the Government Code excepts from disclosure the home addresses and telephone numbers, social security numbers, and family member information of current or former officials or employees of a governmental body. Section 552.024 of the Government Code authorizes a governmental body to withhold information subject to section 552.117 without requesting a decision from this office if the employee or official or former employee or official chooses not to allow public access to the information. *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)).

No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

Next, you inform us that you have redacted portions of the submitted information pursuant to section 552.024 of the Government Code. Section 552.024 generally authorizes a governmental body to withhold information subject to section 552.117 of the Government Code without requesting a decision from this office if the employee or official or former employee or official chooses not to allow public access to the information. 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)). We now address your claimed exception.

Section 552.130 of the Government Code provides as follows:

(a) Information is excepted from [required public disclosure] if the information relates to:

- (1) a motor vehicle operator's or driver's license or permit issued by an agency of this state;
- (2) a motor vehicle title or registration issued by an agency of this state; or
- (3) a personal identification document issued by an agency of this state or a local agency authorized to issue an identification document.

(b) Information described by Subsection (a) may be released only if, and in the manner, authorized by Chapter 730, Transportation Code.

Gov't Code § 552.130. You argue that the information you have highlighted consists of driver's license information that must be withheld under section 552.130(a). You further indicate that chapter 730 of the Transportation Code does not authorize disclosure of the information at issue in this instance. *See id.* § 552.130(b). We determine that, with the exception of the information we have marked for release, the highlighted information is within the scope of section 552.130(a) and must be withheld under this exception.

We note that portions of the remaining information are subject to section 552.117 of the Government Code.² Section 552.117(a)(1) of the Government Code excepts from disclosure the home addresses and telephone numbers, social security numbers, and family member

² The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

information of current or former officials or employees of a governmental body who request this information be kept confidential under section 552.024 of the Government Code. *See id.* §§ 552.117(a)(1), .024. We understand that the city employee to whom this information pertains timely elected confidentiality. Accordingly, the city must withhold the personal information we have marked under section 552.117(a)(1) of the Government Code.

In summary, with the exception of the information we have marked for release, the city must withhold the information you have marked under section 552.130 of the Government Code. The city must withhold the information we have marked under section 552.117(a)(1) 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, 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,



Jonathan Miles
Assistant Attorney General
Open Records Division

JM/cc

Ref: ID# 357538

Enc. Submitted documents

c: Requestor
(w/o enclosures)