



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 28, 2009

Ms. Yvette Aguilar  
Assistant City Attorney  
City of Corpus Christi  
321 John Sartain  
Corpus Christi, Texas 78401

OR2009-15326

Dear Ms. Aguilar:

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# 359786.

The City of Corpus Christi (the "city") received a request for information regarding the establishment of a temporary police checkpoint. You state you have released most of the responsive information. You also state the city will withhold social security numbers pursuant to section 552.147 of the Government Code. *See* Gov't Code § 552.147(b) (governmental body may redact social security number without necessity of requesting decision from this office under the Act). You claim portions of the submitted information are excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

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. Criminal history record information ("CHRI") generated by the National Crime Information Center or by the Texas Crime Information Center is confidential. *Id.* § 411.083(a); Open Records Decision No. 565 (1990). Title 28, part 20 of the Code of Federal Regulations governs the release of CHRI that states obtain from the federal government or other states. ORD 565. The federal regulations allow each state to follow its individual law with respect to the CHRI it generates. *Id.* Section 411.083 of the Government

Code deems confidential CHRI that the Texas Department of Public Safety ("DPS") maintains, except that DPS may disseminate this information as provided in chapter 411, subchapter F of the Government Code. *See* Gov't Code § 411.083. Sections 411.083(b)(1) and 411.089(a) authorize a criminal justice agency to obtain CHRI; however, a criminal justice agency may not release CHRI except to another criminal justice agency for a criminal justice purpose. *Id.* § 411.089(b)(1). Other entities specified in chapter 411 of the Government Code are entitled to obtain CHRI from DPS or another criminal justice agency; however, those entities may not release CHRI except as provided by chapter 411. *See generally id.* §§ 411.090-.127. Furthermore, any CHRI obtained from DPS or any other criminal justice agency must be withheld under section 552.101 of the Government Code in conjunction with Government Code chapter 411, subchapter F. Upon review, we find the information you have marked is CHRI that is confidential under section 411.083. Accordingly, you must withhold the CHRI you have marked in the submitted information under section 552.101 of the Government Code in conjunction with federal law and section 411.083 of the Government Code.

Next, you claim section 552.130 of the Government Code for portions of the remaining information. 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; [or]

(2) a motor vehicle title or registration issued by an agency of this state[.]

Gov't Code § 552.130(a)(1), (2). You have marked portions of the remaining information pursuant to section 552.130. In this instance, it is unclear whether one of the dates you have marked consists of Texas motor vehicle record information for purposes of section 552.130. Accordingly, to the extent the date we have noted is information relating to a Texas motor vehicle operator's or driver's license or permit or a Texas motor vehicle title or registration, it must be withheld under section 552.130 of the Government Code. If it does not relate to such information, it may not be withheld on that basis. In either case, we agree the remaining information you have marked consists of Texas motor vehicle record information that the city must withhold under section 552.130 of the Government Code.

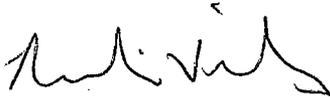
In summary, the CHRI you have marked must be withheld under section 552.101 of the Government Code in conjunction with section 411.083 of the Government Code. To the extent the date we have noted relates to a Texas motor vehicle operator's or driver's license or permit or a Texas motor vehicle title or registration, it must be withheld pursuant to section 552.130 of the Government Code. The remaining information you have marked

under section 552.130 constitutes Texas motor vehicle record information and must be withheld pursuant to section 552.130 of the Government Code. The remaining submitted 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, toll free, at (888) 672-6787.

Sincerely,



Melanie J. Villars  
Assistant Attorney General  
Open Records Division

MJV/cc

Ref: ID# 359786

Enc. Submitted documents

c: Requestor  
(w/o enclosures)