



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

March 16, 2010

Ms. Jennifer C. Cohen
Assistant General Counsel
Texas Department of Public Safety
Box 4087
Austin, Texas 78773-0001

OR2010-03708

Dear Ms. Cohen:

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# 375718 (ORA # 10-0154).

The Texas Department of Public Safety (the "department") received a request for a list reflecting whether certain named state officials and lawmakers had been issued concealed handgun permits as of January 21, 2010. 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.¹

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.

¹Although you state that the department does not possess a list of state lawmakers who have concealed handgun licenses, you have determined that the submitted information contains information responsive to the request. *Cf.* Open Records Decision No. 561 at 7 (1990) (governmental body must make a good faith effort to relate a request to information held by it). Furthermore, we assume the representative sample of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and, therefore, does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

Information on an individual subject to disclosure under this section includes the individual's name, date of birth, gender, race, zip code, telephone number, e-mail address, and Internet website address. 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.

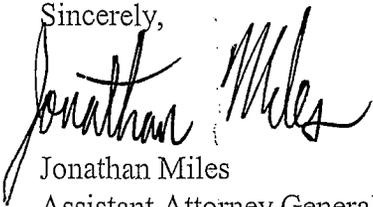
Id. § 411.192(a), (b). In this instance, the requestor is neither a criminal justice agency nor the license holder. We note that section 411.193 is not applicable because the submitted information does not constitute a statistical report. *Id.* § 411.193 (making a statistical report including the number 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.

Finally, you request that this office issue a previous determination that would permit the department in the future to withhold the same type of information in response to future requests without the need of requesting a ruling from this office about whether such information can be withheld from disclosure. We decline to issue such a previous determination at this time.

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# 375718

Enc. Submitted documents

c: Requestor
(w/o enclosures)