



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 16, 2010

Ms. Susan Camp-Lee  
Sheets & Crossfield, P.C.  
309 East Main Street  
Round Rock, Texas 78664-5246

OR2010-08774

Dear Ms. Camp-Lee:

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# 382886.

The Round Rock Police Department (the "department"), which you represent, received a request for information pertaining to a specified accident. You state some of the responsive information will be released. 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. Section 552.101 encompasses the doctrine of common-law privacy, which protects information that (1) contains highly intimate or embarrassing facts, the publication of which would be highly objectionable to a reasonable person, and (2) is not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be demonstrated. *Id.* at 681-82. This office has found that personal financial information not relating to the financial transaction between an individual and a governmental body is excepted from required public disclosure. *See* Open Records Decision Nos. 600 (1992), 545 (1990). This office also has found a compilation of an individual's criminal history is highly embarrassing information, the publication of which would be highly objectionable to a reasonable person. *Cf. United States Dep't of Justice v. Reporters*

*Comm. for Freedom of the Press*, 489 U.S. 749, 764 (1989) (when considering prong regarding individual's privacy interest, court recognized distinction between public records found in courthouse files and local police stations and compiled summary of information and noted that individual has significant privacy interest in compilation of one's criminal history). Furthermore, we find a compilation of a private citizen's criminal history is generally not of legitimate concern to the public.

You have marked information in red that you seek to withhold under section 552.101 as a criminal history compilation. We note, however, that the requestor is an agent for the insurer of the individual whose criminal history has been compiled. As such, the requestor may have a right of access to this information as the insured person's authorized representative. See Gov't Code § 552.023(a); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when an individual or authorized representative asks governmental body to provide information concerning that individual). Therefore, we rule conditionally. To the extent the requestor does not have a right of access to this individual's criminal history information, the department must withhold the information you have marked in red under section 552.101 in conjunction with common-law privacy. To the extent the requestor does have a right of access, the department may not withhold such information under section 552.101 in conjunction with common-law privacy. In either case, the department must withhold the financial information you have marked in green, which pertains to an individual not insured by the requestor, under section 552.101 in conjunction with common-law privacy.

The department seeks to withhold some of the remaining information under section 552.130 of the Government Code.<sup>1</sup> Section 552.130 provides that information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by a Texas agency is excepted from public release. Gov't Code § 552.130(a)(1), (2). The department must withhold the Texas motor vehicle information you have marked in yellow, which pertains to the individual not insured by the requestor, under section 552.130 of the Government Code.

In summary, to the extent the requestor does not have a right of access to the criminal history information you have marked in red, the department must withhold this information under section 552.101 of the Government Code in conjunction with common-law privacy. To the extent the requestor does have a right of access, the department may not withhold such information under section 552.101 in conjunction with common-law privacy. The department must withhold the financial information you have marked in green under

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<sup>1</sup>We note the department has redacted the driver's license and license plate number pertaining to the individual not represented by the requestor. This office recently issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including Texas driver's license and license plate numbers under section 552.130, without the necessity of requesting an attorney general decision.

section 552.101 in conjunction with common-law privacy. The department must withhold the information you have marked in yellow under section 552.130 of the Government Code. The remaining information must be released.<sup>2</sup>

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,



Tamara H. Holland  
Assistant Attorney General  
Open Records Division

THH/jb

Ref: ID# 382886

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>2</sup>We note the department has redacted a social security number from the submitted information. Although section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act, the requestor may have a right of access to this information as the insured person's representative. See Gov't Code §§ 552.023(a), .147. Furthermore, because the records being released contain Texas motor vehicle information relating to the requestor that would be excepted from disclosure to the general public in order to protect the insured's privacy, the department must request another ruling from our office if it receives a future request for this information.