



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 22, 2010

Mr. Mark G. Mann  
Assistant City Attorney  
City of Garland  
P.O. Box 469002  
Garland, Texas 75046-9002

OR2010-10969

Dear Mr. Mann:

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# 387675 (Garland Identification Number GCA10-0404).

The Garland Police Department (the "department") received a request for a specified incident report. You state the department has released some of the requested information. You claim that portions of the submitted information are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 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 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). The types of information considered intimate and embarrassing by the Texas Supreme Court in *Industrial Foundation* included information relating to sexual assault, pregnancy, mental or physical abuse in the workplace, illegitimate children, psychiatric treatment of mental disorders, attempted suicide, and injuries to sexual organs. *Id.* at 683. Upon review, we agree that the information you have marked is intimate or embarrassing and of no legitimate public interest.

Thus, we conclude the department must withhold the information you have marked under section 552.101 of the Government Code in conjunction with common-law privacy.

Next, we note you have marked information pursuant to 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 numbers and Texas license plate numbers under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision. Section 552.130 of the Government Code 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). Upon review, we agree that the department may withhold the Texas driver's license numbers and Texas license plate numbers you have marked pursuant to Open Records Decision No. 684, without seeking a decision from our office. Additionally, we find the department must withhold the remaining Texas driver's license numbers we have marked under section 552.130 of the Government Code.

Finally, we note that you have redacted a social security number and almost an entire social security card. Section 552.147(a) of the Government Code provides "[t]he social security number of a living person is excepted from" required public disclosure under the Act. *Id.* § 552.147(a). Further, section 552.147(b) 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. *Id.* § 552.147(b). However, the submitted information reveals that the marked social security number may belong to the requestor. If the social security number at issue belongs to the requestor, then she has a right of access to it and it must be released to her. *See generally id.* § 552.023(b). If the social security number does not belong to the requestor, then the department may withhold the social security numbers you have redacted under section 552.147 of the Government Code. However, the remaining redacted portions of the social security card are not excepted under section 552.147 and may not be withheld on that basis. As no further exceptions are raised, the remaining redacted portions of the social security card must be released.

In summary, the department must withhold the information you have marked under section 552.101 of the Government Code in conjunction with common-law privacy and the information we have marked under section 552.130 of the Government Code. If the social security number does not belong to the requestor, then the department may withhold the social security numbers you have redacted under section 552.147 of the Government Code. The remaining redacted portions of the social security card 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,



Laura Ream Lemus  
Assistant Attorney General  
Open Records Division

LRL/jb

Ref: ID# 387675

Enc. Submitted documents

c: Requestor  
(w/o enclosures)