



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 6, 2010

Ms. Luz E. Sandoval-Walker  
Assistant City Attorney  
El Paso City Prosecutor's Office  
810 East Overland Avenue  
El Paso, Texas 79901-2516

OR2010-18283

Dear Ms. Sandoval-Walker:

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# 403079 (El Paso ORR# 2010-10-09-AG).

The El Paso Police Department (the "department") received a request for records of pawn shop transactions of several named individuals. You claim the submitted 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.

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 information made confidential by other statutes, such as section 371.206 of the Finance Code. Section 371.206 states:

Information obtained during an examination or inspection authorized by this subchapter is confidential and privileged except for use by the [consumer credit] commissioner or in a criminal investigation or prosecution.

Fin. Code § 371.206. Additionally, section 371.204 of the Finance Code requires a pawnbroker to allow a peace officer to inspect the pawnbroker's books, accounts, papers,

correspondence, or other records that relate to the business of the pawnbroker at any reasonable time without judicial writ or other process. *See id.* § 371.204. Upon review of your arguments and the information at issue, we find the submitted information may have been acquired from a department inspection of pawn shop records authorized under section 371.204. Accordingly, to the extent the submitted information was acquired from a department inspection of pawn shop records authorized under section 371.204, it is confidential pursuant to section 371.206 of the Finance Code, and must be withheld under section 552.101 of the Government Code. However, if the submitted information was not acquired from a department inspection of pawn shop records authorized under section 371.204, then it is not confidential pursuant to section 371.206 of the Finance Code and may not be withheld on that basis.

To the extent the submitted information is not confidential pursuant to section 371.206 of the Finance Code, we note section 552.130 of the Government Code may be applicable to portions of this information.<sup>1</sup> Section 552.130 provides information relating to a motor vehicle operator's license or driver's license issued by a Texas agency is excepted from public release. Gov't Code § 552.130(a)(1). In this instance, we are unable to determine whether some of the motor vehicle record information within the submitted documents was issued by an agency of this state. Accordingly, to the extent the information we have marked constitutes Texas motor vehicle record information, the department must withhold it under section 552.130 of the Government Code.

In summary, to the extent the submitted information was acquired from a department inspection of pawn shop records authorized under section 371.204 of the Finance Code, it is confidential pursuant to section 371.206 of the Finance Code, and must be withheld under section 552.101 of the Government Code. If the submitted information is not confidential pursuant to section 371.206 of the Finance Code, to the extent the information we have marked constitutes Texas motor vehicle record information, the department must withhold it under section 552.130 of the Government Code and release the remaining information.

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

---

<sup>1</sup>The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

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,

A handwritten signature in cursive script that reads "C. Alvarado". The signature is written in black ink and is positioned above the typed name.

Christina Alvarado  
Assistant Attorney General  
Open Records Division

CA/eb

Ref: ID# 403079

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)