



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 26, 2011

Ms. Roberta B. Cross
Assistant City Attorney
City of Galveston
P.O. Box 779
Galveston, Texas 77553-0079

OR2011-01375

Dear Ms. Cross:

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# 407036 (COG ORR # 10-425).

The City of Galveston (the "city") received a request for three categories of information, including all documents regarding disciplinary action taken against any member of the city's police department since September 1, 2010.¹ You state the city has released some of the responsive information. You claim that the submitted information is excepted from disclosure under sections 552.101, 552.103, 552.107, 552.108, and 552.111 of the

¹You state, and provide documentation showing, the city asked for and received clarification of the request. See Gov't Code § 552.222(b) (providing that if request for information is unclear, governmental body may ask requestor to clarify the request); see also *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed)

Government Code, as well as privileged under rule 192.5 of the Texas Rules of Civil Procedure.² We have considered your arguments and reviewed the submitted information.³

Initially, we note a portion of the submitted information, which we have marked, is not responsive to the present request for information because it pertains to disciplinary action taken against members of the city's police department before September 1, 2010. Accordingly, this marked information falls outside the requested time period. We also note some of the submitted information, which we also have marked, was created after the request was received and is also not responsive to the instant request. The city need not release nonresponsive information in response to this request, and this ruling will not address that information.

Next, we note some of the submitted information is subject to section 552.022 of the Government Code, which provides in pertinent part:

(a) Without limiting the amount or kind of information that is public information under this chapter, the following categories of information are public information and not excepted from required disclosure under this chapter unless they are expressly confidential under other law:

(1) a completed report, audit, evaluation, or investigation made of, for, or by a governmental body, except as provided by Section 552.108;

...

(17) information that is also contained in a public court record[.]

Gov't Code § 552.022(a)(1), (17). The submitted information includes a completed report and court-filed documents. This information falls within the purview of subsections 552.022(a)(1) and 552.022(a)(17), respectively. The city may only withhold the information subject to subsection 552.022(a)(1) if it is excepted from disclosure under section 552.108 of the Government Code or is expressly made confidential under other law.

²We note the proper exception to raise when asserting the attorney work product privilege for information not subject to section 552.022 of the Government Code is section 552.111 of the Government Code, rather than rule 192.5 of the Texas Rules of Civil Procedure. *See* Open Records Decision Nos. 676 at 1-2 (2002), 677 (2002).

³We assume that 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 that those records contain substantially different types of information than that submitted to this office.

The city may only withhold the information subject to subsection 552.022(a)(17) if it is confidential under other law. You claim the completed report in Exhibit H is excepted from disclosure under sections 552.103 and 552.107 of the Government Code. However, sections 552.103 and 552.107 are discretionary exceptions that protect a governmental body's interests and are, therefore, not "other law" for purposes of section 552.022. *See id.* § 552.007; *Dallas Area Rapid Transit v. Dallas Morning News*, 4 S.W.3d 469, 475-76 (Tex. App.—Dallas 1999, no pet.) (governmental body may waive section 552.103); Open Records Decision Nos. 677 at 10-11 (2002) (attorney-client privilege under section 552.107(1) may be waived), 665 at 2 n.5 (2000) (discretionary exceptions generally). Therefore, the city may not withhold the information subject to section 552.022(a)(1) in Exhibit H under section 552.103 or section 552.107 of the Government Code.

The Texas Supreme Court, however, has held the Texas Rules of Civil Procedure and Texas Rules of Evidence are "other law" within the meaning of section 552.022. *See In re City of Georgetown*, 53 S.W.3d 328, 336 (Tex. 2001). The attorney-client privilege is also found under rule 503 of the Texas Rules of Evidence. Accordingly, we will consider your assertion of this privilege under rule 503 for the information in Exhibit H which is subject to section 552.022(a)(1). We understand you to assert a portion of the submitted court filed documents are subject to the attorney work product privilege found in rule 192.5 of the Texas Rules of Civil Procedure, which is also considered 'other law' within the meaning of section 552.022. *Id.* at 337 (Tex. 2001). However, the Texas Rules of Civil Procedure apply only to "actions of a civil nature." *See* TEX. R. CIV. P. 2. Thus, because the information for which you claim the attorney work product in Exhibit I relates to a criminal case, the attorney work product privilege found in rule 192.5 of the Texas Rules of Civil Procedure does not apply. However, because section 552.101 of the Government Code constitutes "other law" for purposes of section 552.022, we will address this exception for the court-filed documents in Exhibit E and the completed report in Exhibit H, as well as for the information not subject to section 552.022.

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, such as section 143.089 of the Local Government Code. You state, and we agree, the city's police department operates under chapter 143 of the Local Government Code. Section 143.089 contemplates two different types of personnel files relating to a police officer: a police officer's civil service file that the civil service director is required to maintain, and an internal file that the police department may maintain for its own use. Local Gov't Code § 143.089(a), (g). The officer's civil service file must contain certain specified items, including commendations, periodic evaluations by the police officer's supervisor, and documents relating to any misconduct in which the department took disciplinary action against the officer under chapter 143 of the Local Government Code. *Id.* § 143.089(a)(1)-(3). Chapter 143 prescribes the following types of disciplinary actions: removal, suspension, demotion, and uncompensated duty. *Id.* §§ 143.051-.055.

In cases in which a police department investigates a police officer's misconduct and takes disciplinary action against an officer, it is required by section 143.089(a)(2) to place all investigatory records relating to the investigation and disciplinary action, including background documents such as complaints, witness statements, and documents of like nature from individuals who were not in a supervisory capacity, in the police officer's civil service file maintained under section 143.089(a). *See Abbott v. City of Corpus Christi*, 109 S.W.3d 113, 122 (Tex. App.—Austin 2003, no pet.). All investigatory materials in a case resulting in disciplinary action are "from the employing department" when they are held by or in possession of the department because of its investigation into a police officer's misconduct, and the department must forward them to the civil service commission for placement in the civil service personnel file. *Id.* Such records may not be withheld under section 552.101 of the Government Code in conjunction with section 143.089 of the Local Government Code. *See* Local Gov't Code § 143.089(f); Open Records Decision No. 562 at 6 (1990).

However, a document relating to an officer's alleged misconduct may not be placed in his civil service personnel file if there is insufficient evidence to sustain the charge of misconduct. Local Gov't Code § 143.089(b). In addition, a document relating to disciplinary action against a police officer that has been placed in the officer's personnel file as provided by section 143.089(a)(2) must be removed from the officer's file if the civil service commission finds the disciplinary action was taken without just cause or the charge of misconduct was not supported by sufficient evidence. *See id.* § 143.089(c). Information that reasonably relates to an officer's employment relationship with the department and that is maintained in an internal file of the department pursuant to section 143.089(g) is confidential and must not be released. *See City of San Antonio v. San Antonio Express-News*, 47 S.W.3d 556 (Tex. App.—San Antonio 2000, pet. denied); *City of San Antonio v. Texas Attorney General*, 851 S.W.2d 946, 949 (Tex. App.—1993, writ denied).

You state that the responsive information in Exhibit E, as well as some of the information in Exhibit G, is maintained in the city's police department's internal file pursuant to section 143.089(g). We note that some of the information at issue pertains to internal administrative investigations of officers that resulted in disciplinary action under chapter 143. Section 143.089(a)(2) requires the city to place all records relating to disciplinary action in the police officer's civil service file and such records are subject to release. *See* Loc. Gov't Code § 143.089(a)(2), (f); ORD 562 at 6. In this instance, the request was received by the city, which is required to maintain a civil service file subject to section 143.089(a). Therefore, the responsive information pertaining to investigations that resulted in disciplinary action, which we have marked, must be placed in the police officers' civil service files, and the city may not withhold this information under section 552.101 of the Government Code in conjunction with section 143.089(g) of the Local Government Code. We understand, however, that the remaining information at issue relates to complaints that did not or have not yet concluded in disciplinary action. Accordingly, we conclude that the remaining information at issue, which we have marked in Exhibits E and G, as well as

the information we have marked in Exhibit H, is confidential and must be withheld under section 552.101 in conjunction with section 143.089(g) of the Local Government Code.⁴

You claim the remaining information in Exhibit H is excepted from disclosure under section 552.103 of the Government Code, which provides as follows:

(a) Information is excepted from [required public disclosure] if it is information relating to litigation of a civil or criminal nature to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party.

...

(c) Information relating to litigation involving a governmental body or an officer or employee of a governmental body is excepted from disclosure under Subsection (a) only if the litigation is pending or reasonably anticipated on the date that the requestor applies to the officer for public information for access to or duplication of the information.

Gov't Code § 552.103(a), (c). A governmental body has the burden of providing relevant facts and documents to show the section 552.103(a) exception is applicable in a particular situation. The test for meeting this burden is a showing that (1) litigation was pending or reasonably anticipated on the date the governmental body received the request for information, and (2) the information at issue is related to that litigation. *Univ. of Tex. Law Sch. v. Tex. Legal Found.*, 958 S.W.2d 479, 481 (Tex. App.—Austin 1997, no pet.); *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex. App.—Houston [1st Dist.] 1984, writ ref'd n.r.e.); Open Records Decision No. 551 at 4 (1990). A governmental body must meet both prongs of this test for information to be excepted under section 552.103(a).

You inform us, and provide documentation showing, the city was named as a defendant in a lawsuit styled *Galveston Municipal Police Association, et al v. Charles Wiley, et al*, cause number 10-CV4089, which was filed in the 56th Judicial District Court of Galveston County, Texas on the date of the city's receipt of the present request for information. Upon review, we conclude litigation was pending when the city received the request. Our review of the remaining information in Exhibit H also shows most of it is related to the pending litigation for purposes of section 552.103. Therefore, we conclude the city may withhold the

⁴As our ruling is dispositive for this information, we need not address your remaining arguments against its disclosure.

information we have marked in Exhibit H under section 552.103 of the Government Code.⁵ However, you have failed to demonstrate how the remaining information in Exhibit H pertains to pending litigation, and none of this information may be withheld under section 552.103.

Furthermore, we note that once the information has been obtained by all parties to the pending litigation, no section 552.103(a) interest exists with respect to that information. Open Records Decision No. 349 at 2 (1982). We also note that the applicability of section 552.103(a) ends when the litigation has concluded. Attorney General Opinion MW-575 (1982) at 2; Open Records Decision Nos. 350 at 3 (1982), 349 at 2 (1982).

We understand you to claim the remaining information in Exhibit H is excepted from disclosure under section 552.107(1) of the Government Code, which protects information coming within the attorney-client privilege. When asserting the attorney-client privilege, a governmental body has the burden of providing the necessary facts to demonstrate the elements of the privilege in order to withhold the information at issue. Open Records Decision No. 676 at 6-7 (2002). First, a governmental body must demonstrate that the information constitutes or documents a communication. *Id.* at 7. Second, the communication must have been made “for the purpose of facilitating the rendition of professional legal services” to the client governmental body. TEX. R. EVID. 503(b)(1). The privilege does not apply when an attorney or representative is involved in some capacity other than that of providing or facilitating professional legal services to the client governmental body. *In re Texas Farmers Ins. Exch.*, 990 S.W.2d 337, 340 (Tex. App.—Texarkana 1999, orig. proceeding) (attorney-client privilege does not apply if attorney acting in a capacity other than that of attorney). Governmental attorneys often act in capacities other than that of professional legal counsel, such as administrators, investigators, or managers. Thus, the mere fact that a communication involves an attorney for the government does not demonstrate this element. Third, the privilege applies only to communications between or among clients, client representatives, lawyers, lawyer representatives, and a lawyer representing another party in a pending action and concerning a matter of common interest therein. *See* TEX. R. EVID. 503(b)(1)(A)-(E). Thus, a governmental body must inform this office of the identities and capacities of the individuals to whom each communication at issue has been made. Lastly, the attorney-client privilege applies only to a confidential communication, *id.* 503(b)(1), meaning it was “not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication.” *Id.* 503(a)(5).

Whether a communication meets this definition depends on the intent of the parties involved at the time the information was communicated. *Osborne v. Johnson*, 954 S.W.2d 180, 184

⁵As our ruling is dispositive for this information, we need not address your remaining argument against its disclosure.

(Tex. App.—Waco 1997, no pet.). Moreover, because the client may elect to waive the privilege at any time, a governmental body must explain that the confidentiality of a communication has been maintained. Section 552.107(1) generally excepts an entire communication that is demonstrated to be protected by the attorney-client privilege, unless otherwise waived by the governmental body. *See Huie v. DeShazo*, 922 S.W.2d 920, 923 (Tex. 1996) (privilege extends to entire communication, including facts contained therein).

You indicate the information at issue consists a communication between city attorneys, the city's outside counsel, and city employees that was made for the purpose of providing legal advice to the city. You assert this communication was made in confidence and its confidentiality has been maintained. Based on your representations and our review, we find you have demonstrated the applicability of the attorney-client privilege to the remaining information in Exhibit H, and the city may withhold this information, which we have marked, under section 552.107 of the Government Code.

We now turn to your claim under section 552.111 for the responsive information that is not subject to section 552.022 in Exhibit I. Section 552.111 encompasses the attorney work product privilege found in rule 192.5 of the Texas Rules of Civil Procedure. *City of Garland v. Dallas Morning News*, 22 S.W.3d 351, 360 (Tex. 2000); Open Records Decision No. 677 at 4-8 (2002). Rule 192.5 defines work product as:

- (1) material prepared or mental impressions developed in anticipation of litigation or for trial by or for a party or a party's representatives, including the party's attorneys, consultants, sureties, indemnitors, insurers, employees, or agents; or
- (2) a communication made in anticipation of litigation or for trial between a party and the party's representatives or among a party's representatives, including the party's attorneys, consultants, sureties, indemnitors, insurers, employees or agents.

TEX. R. CIV. P. 192.5. A governmental body seeking to withhold information under this exception bears the burden of demonstrating that the information was created or developed for trial or in anticipation of litigation by or for a party or a party's representative. TEX. R. CIV. P. 192.5; ORD 677 at 6-8. In order for this office to conclude that the information was made or developed in anticipation of litigation, we must be satisfied that:

- (a) a reasonable person would have concluded from the totality of the circumstances surrounding the investigation that there was a substantial chance that litigation would ensue; and b) the party resisting discovery believed in good faith that there was a substantial chance that litigation would ensue and [created or obtained the information] for the purpose of preparing for such litigation.

Nat'l Tank Co. v. Brotherton, 851 S.W.2d 193, 207 (Tex. 1993). A "substantial chance" of litigation does not mean a statistical probability, but rather "that litigation is more than merely an abstract possibility or unwarranted fear." *Id.* at 204; ORD 677 at 7.

You state the information at issue, including annotations, editing, and revisions to documents, was prepared and developed by the city's attorneys in anticipation of litigation. Based upon your representations and our review, we conclude the city may withhold the information we have marked in Exhibit I under section 552.111 of the Government Code. We find, however, you have failed to demonstrate that the remaining information at issue consists of material prepared or mental impressions developed in anticipation of litigation or for trial by a party or a representative of a party. Therefore, the city may not withhold any of the remaining information at issue under section 552.111.

Section 552.101 of the Government Code also encompasses laws that make criminal history record information ("CHRI") confidential. CHRI generated by the National Crime Information Center or by the Texas Crime Information Center is confidential under federal and state law. 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. Open Records Decision No. 565 at 7 (1990). The federal regulations allow each state to follow its individual law with respect to CHRI it generates. *Id.* Section 411.083 of the Government Code deems confidential CHRI the Texas Department of Public Safety ("DPS") maintains, except 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. Similarly, 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. Accordingly, the city must withhold the CHRI we have marked in Exhibits E and I under section 552.101 in conjunction with chapter 411 and federal law.

We note the responsive information in Exhibit E contains thumbprints. Section 552.101 of the Government Code also encompasses section 560.003 of the Government Code, which provides that "[a] biometric identifier in the possession of a governmental body is exempt from disclosure under [the Act]." *Id.* § 560.003; *see id.* § 560.001(1) ("biometric identifier" means retina or iris scan, fingerprint, voiceprint, or record of hand or face geometry). Section 560.002 of the Government Code provides, however, that "[a] governmental body that possesses a biometric identifier of an individual . . . may not sell, lease, or otherwise disclose the biometric identifier to another person unless . . . the individual consents to the disclosure[.]" *Id.* § 560.002(1)(A). The city must withhold the thumbprints we have marked

in Exhibit E under section 552.101 in conjunction with section 560.003 of the Government Code.

We note the responsive information in Exhibits E and I includes information that is excepted from disclosure under section 552.102(a) of the Government Code.⁶ Section 552.102(a) excepts from disclosure "information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." *Id.* § 552.102(a). The Texas Supreme Court recently held section 552.102(a) excepts from disclosure the dates of birth of state employees in the payroll database of the Texas Comptroller of Public Accounts. *Tex. Comptroller of Pub. Accounts v. Attorney Gen. of Tex. & The Dallas Morning News, Ltd.*, No. 08-0172, 2010 WL 4910163 (Tex. Dec. 3, 2010) (Dec. 20, 2010, motions for reconsideration and rehearing pending). Having carefully reviewed the information at issue, we have marked the information in Exhibits E and I that must be withheld under section 552.102(a) of the Government Code.

We note some of the responsive information in Exhibit E is excepted from disclosure under section 552.101 of the Government Code in conjunction with common-law privacy. Common-law privacy protects information if it (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. *See Industrial Found. v. Texas 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 satisfied. *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 disclosure under common-law privacy. *See Open Records Decision No. 600* (1992) (public employee's withholding allowance certificate, designation of beneficiary of employee's retirement benefits, direct deposit authorization, and employee's decisions regarding voluntary benefits programs, among others, protected under common-law privacy). Furthermore, 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. U. S. 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). The city must withhold the information we have marked in Exhibit E under section 552.101 in conjunction with common-law privacy.

We note section 552.1175 of the Government Code may apply to a portion of the remaining information in Exhibits E and I. Section 552.1175 provides in part:

⁶The Office of the Attorney General will raise a mandatory exception like section 552.102 on behalf of a governmental body, but ordinarily will not raise other exceptions.

(b) Information that relates to the home address, home telephone number, or social security number of [a peace officer as defined by article 2.12 of the Code of Criminal Procedure], or that reveals whether the individual has family members is confidential and may not be disclosed to the public under this chapter if the individual to whom the information relates:

- (1) chooses to restrict public access to the information; and
- (2) notifies the governmental body of the individual's choice on a form provided by the governmental body, accompanied by evidence of the individual's status.

Gov't Code § 552.1175(b). We note section 552.1175 is also applicable to personal pager and cellular telephone numbers, provided the cellular telephone service or pager service is not paid for by a governmental body. *See* ORD 506 at 5-6. To the extent the information we have marked in Exhibits E and I relates to peace officers, the city must withhold this information under section 552.1175 if the individuals to whom it pertains elect to restrict access to the information in accordance with section 552.1175(b); however, the city may only withhold the pager and cellular telephone numbers we marked if the pager and cellular telephone services are not paid for with government funds.

Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by a Texas agency. Gov't Code § 552.130(a)(1), (2). The city must withhold the Texas motor vehicle information we have marked under section 552.130 in Exhibits E and I.

Section 552.136 of the Government Code provides "[n]otwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential." *Id.* § 552.136(b). An access device number is one that may be used to (1) obtain money, goods, services, or another thing of value, or (2) initiate a transfer of funds other than a transfer originated solely by paper instrument, and includes an account number. *See id.* § 552.136(a) (defining "access device"). Accordingly, the city must withhold the bank account and routing numbers and insurance policy numbers we have marked in Exhibit E under section 552.136.

We note the remaining information contains a personal e-mail address subject to section 552.137 of the Government Code. Section 552.137 excepts from disclosure "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body," unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). *Id.* § 552.137(a)-(c). Section 552.137 is not applicable to an institutional e-mail address, an Internet website address, or an e-mail address that a governmental entity maintains for one

of its officials or employees. The address we have marked does not appear to be of a type specifically excluded by section 552.137(c). Accordingly, the city must withhold the marked e-mail address in Exhibit E under section 552.137, unless the owner of the address affirmatively consents to its release. *See id.* § 552.137(b).

In summary, the city must withhold the information we have marked in Exhibits E, G, and H under section 552.101 of the Government Code in conjunction with section 143.089(g) of the Local Government Code. The city may withhold the information we have marked in Exhibit H under section 552.103 of the Government Code, the information we have marked in Exhibit H under section 552.107 of the Government Code, and the information we have marked in Exhibit I under section 552.111 of the Government Code. The city must withhold the information we have marked under section 552.102 of the Government Code. In conjunction with section 552.101 of the Government Code, the city must withhold the following: (1) the CHRI we have marked in Exhibits E and I under chapter 411 and federal law; (2) the thumbprints we have marked in Exhibit E under section 560.003 of the Government Code, and (3) the information we have marked in Exhibit E under common-law privacy. The city must also withhold the information we have marked (1) in Exhibits E and I under section 552.1175 of the Government Code, to the extent it relates to a peace officer who elects to restrict access to the information in accordance with section 552.1175(b) of the Government Code; however, the city may only withhold the pager and cellular telephone numbers we marked if the pager and cellular telephone services are not paid for with government funds; (2) in Exhibits E and I under section 552.130 of the Government Code; (3) in Exhibit E under section 552.136 of the Government Code; and (4) in Exhibit E under section 552.137 of the Government Code, unless the owner of the e-mail address affirmatively consents to its release.⁷ The city must release the remaining information.⁸

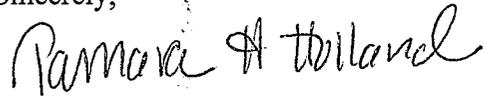
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

⁷We note this office issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including fingerprint information under section 552.101 of the Government Code in conjunction with section 560.003 of the Government Code; a Texas driver's license number and a Texas license plate number under section 552.130 of the Government Code; a bank account and routing number under section 552.136 of the Government Code; and a personal e-mail address under section 552.137 of the Government Code; without the necessity of requesting an attorney general decision.

⁸We note that the information being released contains social security numbers. 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. Gov't Code § 552.147(b).

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,

A handwritten signature in cursive script that reads "Tamara H. Holland".

Tamara H. Holland
Assistant Attorney General
Open Records Division

THH/tf

Ref: ID# 407036

Enc. Submitted documents

c: Requestor
(w/o enclosures)