



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 14, 2011

Ms. Cary Grace
Assistant City Attorney
City of Austin
P.O. Box 1088
Austin, Texas 78767-1088

OR2011-03468

Dear Ms. Grace:

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# 411104.

The City of Austin (the "city") received a request for all records indicating the date and time of reservations for two specified Austin Public Library (the "library") computers between 5 p.m. and 7 p.m. on December 14, 2010, and who complained about the requestor to library security and what time security was called. In accordance with section 552.124(a)(2) of the Government Code, you state records pertaining to the requestor's use of a library computer will be released. *See* Gov't Code § 552.124(a)(2) (record encompassed by this section is excepted from disclosure unless record is disclosed under section 552.023 of the Government Code); *see also id.* § 552.023(a) (person has special right of access, beyond right of general public, to information held by governmental body that relates to that person and is protected from public disclosure by laws intended to protect person's privacy interests). You claim the marked portions of the submitted records are excepted from disclosure under section 552.124 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note you have not submitted information responsive to the request for who complained about the requestor to library security and what time security was called. To the extent information responsive to that part of the request existed on the date the city received the request, we assume you have released it. If you have not released any such information, you must do so at this time. *See id.* §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

Section 552.124 of the Government Code makes confidential, with certain exceptions that are not applicable here, “[a] record of a library or library system, supported in whole or in part by public funds, that identifies or serves to identify a person who requested, obtained, or used a library material or service.” Gov’t Code § 552.124(a)-(b); *see also* Open Records Decision No. 100 at 3 (1975) (identifying information of library patrons in connection with object of their attentions is confidential by constitutional law). Only the names, addresses, and other information specifically identifying library patrons may be withheld under section 552.124. *See generally* Open Records Decision No. 649 at 3 (1996) (confidentiality provisions strictly construed). You have marked in the submitted records the names, user IDs, login IDs, and aliases of library patrons other than the requestor. You state that when library patrons log into a library computer, they either use their library card number or an account number assigned to them by the library as their identification number. Thus, we find the marked user and login IDs are identifying information of library patrons. We find, in this instance, the aliases identify these library patrons as well. Accordingly, the city must withhold the library patron identifying information you marked under section 552.124 of the Government Code. The remaining information 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, 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,



Kenneth Leland Conyer
Assistant Attorney General
Open Records Division

KLC/dls

Ref: ID# 411104

Enc. Submitted documents

c: Requestor
(w/o enclosures)