



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 28, 2011

Mr. Gary A. Scott
Assistant City Attorney
City of Conroe
P.O. Box 3066
Conroe, Texas 77305

OR2011-14059

Dear Mr. Scott:

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# 431560.

The City of Conroe (the "city") received a request for the call for service or the 9-1-1 call for a specified case number. You claim the submitted 9-1-1 recording is excepted from disclosure under section 552.130 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.130(a)(2) of the Government Code provides that information relating to a motor vehicle title or registration issued by a Texas agency, or an agency of another state or country, is excepted from public release. Act of May 24, 2011, 82nd Leg., R.S., S.B. 1638, § 4 (to be codified as an amendment to Gov't Code § 552.130(a)(2)). The submitted 9-1-1 recording includes a license plate number that is subject to section 552.130(a)(2). You state the city lacks the technological capability to redact this portion of the 9-1-1 recording. Thus, the city must generally withhold the 9-1-1 recording in its entirety under section 552.130(a)(2). We note, however, section 552.130 protects personal privacy. In this instance, the requestor appears to be the insurance provider of the individual whose license plate number is at issue. As such, this requestor, if acting as the individual's authorized representative, has a right of access to this information under section 552.023 of the Government Code. Gov't Code § 552.023(a) (person or person's authorized representative has special right of access, beyond right of general public, to information held by

governmental body that relates to person and is protected from public disclosure by laws intended to protect person's privacy interests); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual asks governmental body to provide her with information concerning herself). Accordingly, if the requestor is acting as the authorized representative of the individual whose license plate number is at issue, then the requestor has a right of access to this information and the 9-1-1 recording must be released in its entirety. If the requestor is not acting as the authorized representative of this individual, the requestor does not have a right of access to the license plate number and the city must withhold the 9-1-1 recording in its entirety under section 552.130(a)(2) of the Government Code.

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/agn

Ref: ID# 431560

Enc. Submitted documents

c: Requestor
(w/o enclosures)