



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 4, 2011

Mr. David K. Walker
County Attorney
Montgomery County
207 West Phillips, 1st Floor
Conroe, Texas 77301

OR2011-14307

Re: Request for copy of Offense report #10A015043, involving named individual to include mug shots; ORR 2011-4855

Dear Mr. Walker:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 437555.

After reviewing your arguments and the submitted information, we have determined your request does not present a novel or complex issue. Thus, we are addressing your claims in a memorandum opinion. We agree you must withhold the marked motor vehicle record information in accordance with section 552.130 of the Government Code.¹ Also, you may withhold the social security number(s) under section 552.147 of the Government Code. You claim the remaining information may be withheld from the requestor pursuant to section

¹You state you redacted a driver's license number under section 552.130 of the Government Code pursuant to Open Records Decision No. 684 (2009). Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including Texas driver's license numbers under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision. However, on September 1, 2011, the Texas legislature amended section 552.130 to allow a governmental body to redact the information described in subsections 552.130(a)(1) and (a)(3) without the necessity of seeking a decision from the attorney general. *See* Act of May 30, 2011, 82nd Leg., R.S., S.B. 602, § 22 (to be codified at Gov't Code § 552.130(c)). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See* Act of May 30, 2011, 82nd Leg., R.S., S.B. 602, § 22 (to be codified at Gov't Code § 552.130(d), (e)). Thus, the statutory amendments to section 552.130 of the Government Code supercede Open Records Decision No. 684 on September 1, 2011. Therefore, a governmental body may only redact information subject to subsections 552.130(a)(1) and (a)(3) in accordance with section 552.130, not Open Records Decision No. 684.

552.108(a)(1) of the Government Code. We have considered your arguments and the information and have determined that in accordance with section 552.108(a)(1) you may withhold the information. However, you must release the basic information, including a detailed description of the offense, pursuant to section 552.108(c).

For more information on the cited exception, as well as information on the rights and obligations of governmental bodies and requestors, please refer to open government information contained on the Office of the Attorney General website at www.oag.state.tx.us. You may also contact our Open Government Hotline at 1-877-OPENTEX.

Enc: Submitted documents

cc: Requestor
(w/o enclosures)