



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 31, 2011

Ms. Lillian G. Graham  
Assistant City Attorney  
City of Mesquite  
P.O. Box 850137  
Mesquite, Texas 75185-0137

OR2011-15948

Dear Ms. Graham:

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# 434715.

The Mesquite Police Department (the "department") received a request for information pertaining to a specified accident. You state the department has released some of the responsive photographs and some of the responsive documents. You claim portions of the submitted information are excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

We note you seek to withhold telephone numbers of 9-1-1 callers. In Open Records Letter No. 2011-15075 (2011), this office issued a previous determination to the department authorizing the department to withhold originating telephone numbers of 9-1-1 callers furnished to the department by a service supplier established in accordance with chapter 772 of the Health and Safety Code under section 552.101 of the Government Code in conjunction with section 772.118 of the Health and Safety Code without requesting a decision from this office. *See* Gov't Code § 552.301(a); Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). You state the telephone numbers you have marked are the originating telephone numbers of 9-1-1 callers furnished by a service supplier established in accordance with chapter 772. As such, the department must withhold the marked telephone numbers in

accordance with the previous determination issued to the department in Open Records Letter No. 2011-15075.

Next, 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 exception encompasses the doctrine of common-law privacy, which 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. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). This office has found that personal financial information not related to a financial transaction between an individual and a governmental body is intimate and embarrassing and of no legitimate public interest. *See* Open Records Decision Nos. 545 (1990) (deferred compensation information, mortgage payments, assets, bills, and credit history protected under common-law privacy), 373 (1983) (sources of income not related to financial transaction between individual and governmental body protected under common-law privacy). We note that the lien information that you have marked pertains to a vehicle owned by a company. Common-law privacy protects the privacy interests of individuals, but not of corporations or other types of business organizations. *See* Open Records Decision Nos. 620 (1993) (corporation has no right to privacy), 192 (1978) (right to privacy is designed primarily to protect human feelings and sensibilities, rather than property, business, or other pecuniary interests); *see also U. S. v. Morton Salt Co.*, 338 U.S. 632, 652 (1950); *Rosen v. Matthews Constr. Co.*, 777 S.W.2d 434 (Tex. App.—Houston [14th Dist.] 1989), *rev’d on other grounds*, 796 S.W.2d 692 (Tex. 1990) (corporation has no right to privacy). Accordingly, we conclude that the lien information you have marked is not protected under the doctrine of common-law privacy and may not be withheld under section 552.101 on that basis.

Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle title or registration issued by an agency of this state or another state or country. *See* 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)). Upon review, we find some of the information you seek to withhold is not subject to section 552.130 and may not be withheld on that basis; therefore, we have marked this information for release. We also note the requestor in this instance is the insurance provider for a company that owns one of the vehicles in the submitted information. As such, this requestor, if acting as the company’s authorized representative, has a right of access to his insured’s motor vehicle record information. *See* Gov’t Code § 552.023(a); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when an individual or authorized representative asks governmental body to provide information concerning that individual). In this instance, it is not clear that this requestor is acting as the company’s authorized representative. Therefore, we must rule conditionally. To the extent the requestor has a right of access under section 552.023 to his insured’s motor vehicle record information, the department must release this information to the requestor. To the extent the requestor does not have a right of access under section 552.023, the

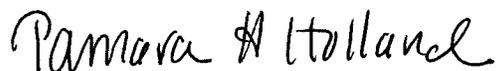
department must withhold the remaining motor vehicle record information you have marked, as well as the additional information we have marked, under section 552.130 of the Government Code.<sup>1</sup>

In summary, the department must withhold the marked telephone numbers in accordance with the previous determination issued to the department in Open Records Letter No. 2011-15075. Except as we have marked for release, the department must generally withhold the marked motor vehicle record information under section 552.130 of the Government Code; however, to the extent the requestor has a right of access under section 552.023 of the Government Code to his insured's motor vehicle record information, the department must release this information to the requestor. The department must release the remaining information.

You ask this office to issue a previous determination permitting the department to withhold lien information from call sheets under section 552.101 of the Government Code in conjunction with common-law privacy. We decline to issue such a previous determination at this time. Accordingly, 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 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,



Tamara H. Holland  
Assistant Attorney General  
Open Records Division

THH/ag

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<sup>1</sup>We 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 Texas license plate numbers under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

Ref: ID# 434715

Enc. Submitted documents

c: Requestor  
(w/o enclosures)