



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 8, 2011

Ms. Leticia Brysch  
City Clerk  
City of Baytown  
P.O. Box 424  
Baytown, Texas 77522-0424

OR2011-16458

Dear Mr. Brysch:

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# 435617 (Baytown PIR #3648).

The City of Baytown (the "city") received a request for information pertaining to a specified accident. You state some information has been released to the requestor. You also state you will redact partial social security numbers pursuant to section 552.147(b) of the Government Code.<sup>1</sup> You claim portions of the submitted information are excepted from disclosure under section 552.130 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note track number four in the recording entitled "Baytown Communications" does not pertain to the specified accident. Therefore, track number four is not responsive to the instant request. This decision does not address the public availability of non-responsive

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<sup>1</sup>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. See Gov't Code § 552.147(b).

information and the city need not release track number four in response to the present request.<sup>2</sup>

Section 552.117(a)(2) of the Government Code excepts from disclosure the home address, home telephone number, personal pager and cellular telephone numbers, emergency contact information, social security number, and family member information of a peace officer, regardless of whether the peace officer complies with sections 552.024 or 552.1175 of the Government Code.<sup>3</sup> Act of May 24, 2011, 82nd Leg., R.S., S.B. 1638, § 2 (to be codified as an amendment to Gov't Code § 552.117(a)(2)). Section 552.117(a)(2) adopts the definition of peace officer found at article 2.12 of the Code of Criminal Procedure. The responsive information includes additional partial social security numbers of city police officers. Accordingly, the city must withhold this information, which we have marked, under section 552.117(a)(2).

Section 552.130 of the Government Code excepts from disclosure information related to a motor vehicle title or registration issued by an agency of this state or another state or country. 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)). We note, however, the issuing state of a driver's license is not motor vehicle record information for purposes of section 552.130. Therefore, with the exception of the issuing state, which we have marked for release, the city must withhold the information you have marked, as well as the information we have marked, under section 552.130.

In summary, the city must withhold the information we have marked under section 552.117(a)(2) of the Government Code. Except for the issuing state we have marked for release, the city must withhold the marked information under section 552.130 of the Government Code. The remaining responsive 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](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hot!line, toll free,

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<sup>2</sup>As we are able to make this determination, we need not address your claim under section 552.130 of the Government Code for track number four.

<sup>3</sup>The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. See Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

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 black ink, appearing to read 'Ana Carolina Vieira', with a stylized flourish at the end.

Ana Carolina Vieira  
Assistant Attorney General  
Open Records Division

ACV/agn

Ref: ID# 435617

Enc. Submitted documents

c: Requestor  
(w/o enclosures)