



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 7, 2011

Mr. Thomas Bailey  
Legal Services  
VIA Metropolitan Transit  
P.O. Box 12489  
San Antonio, Texas 78212

OR2011-17981

Dear Mr. Bailey:

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# 439357.

VIA Metropolitan Transit ("VIA") received a request for a specified appraisal. You claim the submitted information is excepted from disclosure under section 552.105 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

We note the submitted information constitutes a completed appraisal report subject to section 552.022 of the Government Code. Section 552.022(a) provides in relevant part the following:

Without limiting the amount or kind of information that is public information under this chapter, the following categories of information are public information and not excepted from required disclosure unless made confidential under this chapter or other law:

- (1) a completed report, audit, evaluation, or investigation made of, for, or by a governmental body, except as provided by Section 552.108[.]

Act of May 30, 2011, 82nd Leg., R.S., S.B. 602, § 2 (to be codified as an amendment to Gov't Code § 552.022(a)). You seek to withhold the submitted completed appraisal report

under section 552.105 of the Government Code. However, section 552.105 is discretionary and does not make information confidential under the Act. *Id.* §§ 3-21, 23-26, 28-37 (providing for “confidentiality” of information under specified exceptions). Therefore, VIA may not withhold the submitted information under section 552.105. However, section 552.130 of the Government Code makes information confidential under chapter 552.<sup>1</sup> *See* Act of May 30, 2011, 82nd Leg., R.S., S.B. 602, § 21 (to be codified as an amendment to Gov’t Code § 552.130) (providing for “confidentiality” of information under section 552.130). Therefore, we will address the applicability of section 552.130 to the submitted information.

Section 552.130 of the Government Code excepts from disclosure information that relates 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)). The photographs on page 60 of the submitted appraisal report contain a license plate number. VIA must withhold the license plate number in these photographs under section 552.130. As you raise no additional exceptions to disclosure, 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](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,



Ana Carolina Vieira  
Assistant Attorney General  
Open Records Division

ACV/agn

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<sup>1</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. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

Ref: ID# 439357

Enc. Submitted documents

c: Requestor  
(w/o enclosures)