



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 13, 2011

Mr. Ronald J. Bounds  
Assistant City Attorney  
City of Corpus Christi  
P.O. Box 9277  
Corpus Christi, Texas 78469-9277

OR2011-18295

Dear Mr. Bounds:

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# 438826.

The Corpus Christi Police Department (the "department") received a request for three specified reports. You state the department has released some of the information. We note you have redacted information pursuant to sections 552.130 and 552.147 of the Government Code.<sup>1</sup> You claim the remaining requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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<sup>1</sup>This office issued a previous determination in Open Records Decision No. 684 authorizing all governmental bodies to withhold a Texas driver's license number and a Texas license plate number under section 552.130 of the Government Code without seeking a ruling from this office. However, on September 1, 2011, the Texas legislature amended section 552.130 to allow a governmental body to redact information related to a driver's license issued by an agency of this state or another state or country under subsection 552.130(a)(1) without the necessity of seeking a decision. Gov't Code § 552.130(c). Thus, if a governmental body redacts such information, it must notify the requestor in accordance with sections 552.130(e). *See* Gov't Code § 552.130(d), (e). Thus, the statutory amendments to section 552.130 superceded Open Records Decision No. 684 on September 1, 2011. Therefore, a governmental body may only redact information subject to subsections 552.130(a)(1) in accordance with section 552.130, not Open Records Decision No. 684. Section 552.147 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).

Initially, we note you seek to withhold criminal history record information (“CHRI”) generated by the Federal Bureau of Investigation under section 552.101 of the Government Code in conjunction with section 411.083 of the Government Code. This office issued Open Records Letter No. 2011-17207 (2011) on November 21, 2011, granting the department’s request for a previous determination to withhold this type of information without seeking a ruling from this office. Accordingly, the department must continue to rely on that previous determination and withhold the information you have marked under section 552.101 of the Government Code in conjunction with section 411.083 of the Government Code.

Section 552.101 of the Government Code also 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). To demonstrate the applicability of common-law privacy, both prongs of this test must be established. *Id.* at 681–82. This office has found certain kinds of medical information or information indicating disabilities or specific illnesses are protected by common-law privacy. *See* Open Records Decision Nos. 470 (1987) (illness from severe emotional and job-related stress), 455 (1987) (prescription drugs, illnesses, operations, and physical handicaps). Upon review, we find the information you have marked is highly intimate and embarrassing and of no legitimate concern to the public. Accordingly, the department must withhold this information under section 552.101 of the Government Code in conjunction with common-law privacy.

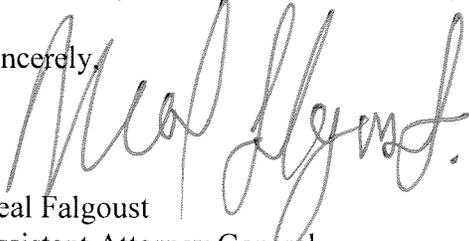
We note you have redacted an out-of-state license plate number pursuant to Open Records Decision No. 684. Section 552.130 of the Government Code excepts from disclosure information related to a motor vehicle title or registration issued by an agency of this state or another state or country. Gov’t Code § 552.130(a)(2). We note, however, that Open Record Decision No. 684 does not permit a governmental body to redact an out-of-state license plate number without requesting a decision from this office. *See* ORD 684. Nonetheless, upon review, we conclude the department must withhold this information under section 552.130 of the Government Code.

In summary, the department must continue to rely on the previous determination in Open Records Letter 2011-17207 and withhold the CHRI you have marked under section 552.101 of the Government Code in conjunction with section 411.083 of the Government Code. The department must withhold the information you have marked under section 552.101 of the Government Code in conjunction with common-law privacy. The department must withhold the out-of-state license plate number you have marked under section 552.130 of the Government Code. 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,

A handwritten signature in black ink, appearing to read "Neal Falgoust". The signature is written in a cursive, flowing style.

Neal Falgoust  
Assistant Attorney General  
Open Records Division

NF/agn

Ref: ID# 438826

Enc. Submitted documents

c: Requestor  
(w/o enclosures)