



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 13, 2012

Mr. Mark LaForge
Assistant District Attorney
Fort Bend County District Attorney's Office
301 Jackson Room 101
Richmond, Texas 77469

OR2012-02253

Dear Mr. LaForge:

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# 449381.

The Fort Bend County District Attorney's Office (the "district attorney") received a request for information related to a named individual. You claim some of the requested information is excepted from disclosure under sections 552.101, 552.130, and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the information you submitted.

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. You claim section 552.101 in conjunction with common-law privacy, which protects information that is highly intimate or embarrassing, such that its release would be highly objectionable to a person of ordinary sensibilities, and of no legitimate public interest. *See Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). Common-law privacy encompasses the specific types of information held to be intimate or embarrassing in *Industrial Foundation*. *See id.* at 683 (information relating to sexual assault, pregnancy, mental or physical abuse in workplace, illegitimate children, psychiatric treatment of mental disorders, attempted suicide, and injuries to sexual organs). This office has determined other types of information also are private under section 552.101. *See generally* Open Records Decision No. 659 at 4-5 (1999) (summarizing information attorney general has held to be private). We find the information you seek to withhold on this basis is not highly intimate or embarrassing and a matter of no legitimate public interest. We therefore conclude the information in question may not be withheld under

section 552.101 of the Government Code in conjunction with common-law privacy and must be released.

Section 552.130 of the Government Code excepts from disclosure information related to a motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country. *See* Gov't Code § 552.130(a)(1). We conclude the district attorney must withhold the driver's license number you have marked under section 552.130 of the Government Code. Although you seek to withhold other information under section 552.130, the remaining information at issue does not fall within the scope of this exception and must be released.

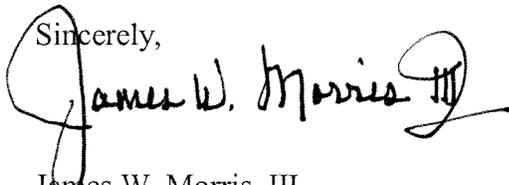
Section 552.147 of the Government Code provides "[t]he social security number of a living person is excepted from" required public disclosure under the Act.¹ *Id.* § 552.147(a). We agree the district attorney may withhold the social security number you have marked under section 552.147 of the Government Code.

In summary, the district attorney (1) must withhold the driver's license number you have marked under section 552.130 of the Government Code and (2) may withhold the social security number you have marked under section 552.147 of the Government Code. The district attorney must release the rest of the submitted information.

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, 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,



James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/em

¹We note section 552.147(b) 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 under the Act.

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Enc: Submitted documents

c: Requestor
(w/o enclosures)