



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 3, 2012

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

OR2012-06459

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# 453960.

The Mesquite Police Department (the "department") received a request for a specified call sheet. You state the department will release some information to the requestor, with redactions pursuant to Open Records Letter No. 2011-15075 (2011).<sup>1</sup> You also state the department will redact Texas license plate numbers under section 552.130(a)(2) of the Government Code pursuant to Open Records Decision No. 684 (2009).<sup>2</sup> 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.

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<sup>1</sup>Open Records Letter No. 2011-15075 is a previous determination issued to the department authorizing the department to withhold the 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.

<sup>2</sup>Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including Texas license plate numbers under section 552.130(a)(2) of the Government Code, without the necessity of requesting an attorney general decision.

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. Section 552.101 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 personal financial information not relating to a financial transaction between an individual and a governmental body is generally highly intimate or embarrassing. *See* Open Records Decision No. 545 (1990). You have marked financial information that you seek to withhold under common-law privacy. Upon review, we find the information you have marked is highly intimate or embarrassing and is not of legitimate public concern. Thus, the department must withhold the information you have marked under section 552.101 in conjunction with common-law privacy.

Section 552.130 of the Government Code provides information relating to a motor vehicle title or registration issued by an agency of this state or another state or country, is excepted from public release. Gov’t Code § 552.130(a)(2). You seek to withhold the motor vehicle record information you have marked in the remaining information. Upon review, we find the department must withhold the information you have marked under section 552.130.

In summary, the department must withhold the information you have marked under (1) section 552.101 of the Government Code in conjunction with common-law privacy and (2) section 552.130 of the Government Code. The remaining information must be released.

You also ask this office to issue a previous determination that would permit the department to withhold the price of a motor vehicle under section 552.101 of the Government Code in conjunction with common-law privacy and information pertaining to a motor vehicle registration under section 552.130(a)(2) of the Government Code, contained in call sheets, without the necessity of requesting a decision under section 552.301 of the Government Code. *See* Gov’t Code § 552.301(a); Open Records Decision No. 673 (2001) (previous determinations). Having considered your request, we have determined it should be granted, in part. Therefore, this letter ruling authorizes the department to withhold information in a call sheet that reveals the price of a motor vehicle under section 552.101 of the Government Code in conjunction with common-law privacy. We note common-law privacy protects the interests of individuals, not those of corporate or other entities, and is a personal right that lapses at an individual’s death. *See* Open Records Decision Nos. 620 (1993), 272 (1981), 192 (1978). Therefore, this previous determination authorizes the department to withhold the price of a motor vehicle only if a living individual owns an interest in the vehicle. This previous determination is not applicable to the price of a vehicle owned entirely by a deceased individual or a public or private entity. We also note that a person or a person’s authorized representative has a special right of access under section 552.023 of the Government Code to information that is protected from public disclosure by laws

intended to protect the person's privacy interests. *See* Gov't Code § 552.023(a); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself). Therefore, this previous determination is not applicable to the price of a motor vehicle contained in information requested by a person or an authorized representative of a person who owns an interest in the vehicle at issue. So long as the elements of law, fact, and circumstances do not change so as to no longer support the findings set forth above, the department need not ask for a decision from this office again with respect to this type of information. *See* ORD 673 at 7-8 (listing elements of second type of previous determination under Gov't Code § 552.301(a)). With regards to your request for this office to issue a previous determination permitting the department to withhold all motor vehicle registration information that may appear on a call sheet under section 552.130(a)(2) of the Government Code, we decline to issue such a previous determination at this time.

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/ag

Ref: ID# 453960

Enc. Submitted documents

c: Requestor  
(w/o enclosures)