



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 10, 2012

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

OR2012-06914

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# 453165.

The Corpus Christi Police Department (the "department") received a request for (1) any information related to a specified incident involving a named individual and (2) "all statistical reports and Calls for Service reports relating to" a specified address during a specified time period. You state you are releasing some information to the requestor "to the extent that they are not otherwise protected from disclosure pursuant" to the previous determination issued to the department in Open Records Letter No. 2011-16393 (2011).¹ You claim that the submitted information is excepted from disclosure under section 552.130 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

¹Open Records Letter No. 2011-16393 (2011) is a previous determination authorizing the department to withhold, under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code, the originating telephone numbers and addresses of 9-1-1 callers furnished to the department by a 9-1-1 service supplier established in accordance with chapter 772 of the Health and Safety Code. *See* Open Records Decision No. 673 (2001) (governmental body may rely on previous determination when elements of law, facts, and circumstances have not changed, decision concludes specific, clearly delineated category of information is excepted, and governmental body is explicitly informed it need not seek a decision from this office to withhold information in response to future requests).

Section 552.130(a)(2) of the Government Code provides that information relating to a motor vehicle title or registration issued by a Texas agency, or an agency of another state or country, is excepted from public release. Gov't Code § 552.130(a)(2). The submitted photographs include a license plate number that is subject to section 552.130(a)(2). However, we note the submitted photographs do not depict any other discernable license plate numbers subject to section 552.130. You state the department lacks the technological capability to redact these images from the submitted information. We note, however, the photographs may be printed out, which would make it possible for the department to redact the information at issue by marking out the information on the printed photographs. Therefore, we find the department must withhold the Texas license plate number in photographs C2J145F5, C2J145F6, C2J145F9, C2J145FA, and C2J145FD on the compact disc, under section 552.130 of the Government Code.² See Open Records Decision No. 364 at 2 (1983). We note, however, section 552.130 protects personal privacy. In this instance, the requestor appears to be the insurance provider of the individual whose license plate number is at issue. As such, this requestor, if acting as the individual's authorized representative, has a right of access to this information under section 552.023 of the Government Code. Gov't Code § 552.023(a) (person or person's authorized representative has special right of access, beyond right of general public, to information held by governmental body that relates to person and is protected from public disclosure by laws intended to protect person's privacy interests); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual asks governmental body to provide her with information concerning herself). Accordingly, if the requestor is acting as the authorized representative of the individual whose license plate number is at issue, then the requestor has a right of access to this information and the submitted photographs must be released in their entirety. If the requestor is not acting as the authorized representative of this individual, the requestor does not have a right of access to the license plate number and the department must withhold the Texas license plate number in photographs C2J145F5, C2J145F6, C2J145F9, C2J145FA, and C2J145FD on the compact disc under section 552.130(a)(2) of the Government Code.

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,

²We note this office issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including Texas license plate numbers and the portion of a photograph that reveals a Texas license plate number, under section 552.130, without the necessity of requesting an attorney general decision.

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 that reads "Sean Opperman". The signature is written in a cursive, flowing style.

Sean Opperman
Assistant Attorney General
Open Records Division

SO/som

Ref: ID# 453165

Enc. Submitted documents

c: Requestor
(w/o enclosures)