



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 17, 2012

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

OR2012-07375

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# 453953.

The Mesquite Police Department (the "department") received a request for the call sheet for a specified incident number, and another request for the call sheet for a different incident number. You inform us information related to a 9-1-1 call will be withheld pursuant to the previous determination issued to the department under section 552.101 of the Government Code in conjunction with section 772.118 of the Health and Safety Code in Open Records Letter No. 2011-15075 (2011). You also state the department will withhold the motor vehicle lien information you have marked pursuant to the previous determination issued to the department under section 552.101 of the Government Code in conjunction with common-law privacy in Open Records Letter No. 2012-01375 (2012). You claim that 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.

Initially, we note the information you seek to withhold under section 552.101 of the Government Code in conjunction with common-law privacy is subject to a previous determination issued by this office in Open Records Letter No. 2012-06459 (2012). *See* Gov't Code § 552.301(a); Open Records Decision No. 673 at 7-8 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code).

In Open Records Letter No. 2012-06459, this office issued a previous determination authorizing 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. Accordingly, the department must withhold such information in accordance with Open Records Letter No. 2012-06459.

You state you will redact the marked Texas license plate numbers under section 552.130 of the Government Code pursuant to Open Records Decision No. 684 (2009).¹ You also mark additional information under section 552.130. Section 552.130(a)(2) provides information relating to a motor vehicle title or registration issued by an agency of Texas or another state or country is excepted from public release. Gov't Code § 552.130(a)(2). Upon review, we find the department must generally withhold the information you have marked under section 552.130 of the Government Code. We note the requestor in this instance is a representative of a company which is the registered owner of one of the vehicles in report #12-017223, a representative of the insurance provider for the owner of one of the vehicles listed in report #12-017223, and may be a representative of the insurance provider for the owner of one of the vehicles listed in report #12-020742. Section 552.130 is based on privacy principles; as such, the requestor has a right of access to her company's motor vehicle information and may have a right of access to the motor vehicle information of the two individual owners whose information is at issue. *See id.* § 552.023. Thus, to the extent the requestor has a right of access to the motor vehicle information you have marked under section 552.130, the department may not withhold this information from this requestor. Conversely, to the extent the requestor does not have a right of access to the motor vehicle information you have marked, the department must withhold this information under section 552.130 of the Government Code.

In summary, the department must withhold the information you have marked that reveals the price of a motor vehicle in accordance with Open Records Letter No. 2012-06459. To the extent the requestor does not have a right of access to the motor vehicle information you have marked, the department must withhold this information under section 552.130 of the Government Code. The department must release the remaining information.

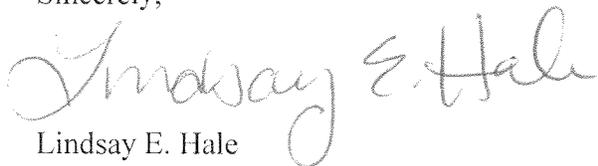
You also ask this office to issue a previous determination that would permit the department to withhold information pertaining to a motor vehicle registration under section 552.130(a)(2) of the Government Code, contained in call sheets, without the necessity of requesting a decision under section 552.301 of the Government Code. *See id.* § 552.301(a); ORD 673. Having considered your request, we decline to issue such a previous determination at this time. Accordingly, 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

¹Open Records Decision No. 684 is a previous determination issued by this office authorizing all governmental bodies to withhold ten categories of information without the necessity of requesting an attorney general decision, including a Texas license plate number under section 552.130 of the Government Code.

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,

A handwritten signature in cursive script that reads "Lindsay E. Hale". The signature is written in dark ink and is positioned above the typed name.

Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/ag

Ref: ID# 453953

Enc. Submitted documents

c: Requestor
(w/o enclosures)