



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 14, 2012

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

OR2012-09220

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# 456232 .

The Mesquite Police Department (the "department") received a request for the full report related to the arrest of a named individual. You state the department will redact Texas license plate numbers pursuant to Open Records Decision No. 684 (2009).¹ You claim portions of the submitted information are 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 submitted information.

You have marked a Federal Bureau of Investigation ("FBI") number you seek to withhold. In Open Records Letter No. 2012-07334 (2012), this office issued a previous determination authorizing the department to withhold FBI numbers under section 552.101 of the Government Code in conjunction with section 411.083 of the Government Code without requesting a decision from this office when requests for such numbers are not made by individuals or entities who are authorized to obtain them under chapter 411 of the Government Code. *See* Gov't Code § 552.301(a); Open Records Decision No. 673 (2001)

¹Open Records Decision No. 684 serves as a previous determination to all governmental bodies permitting them to withhold certain categories of information, including Texas license plate numbers under section 552.130(a)(2) of the Government Code, without the necessity of requesting a decision from this office.

(listing elements of second type of previous determination under section 552.301(a) of the Government Code). We understand the request for the FBI number is not made by an individual or entity who is authorized to obtain it under chapter 411 of the Government Code. As such, the department must withhold the marked FBI number in accordance with the previous determination issued in Open Records Letter No. 2012-07334.

Section 552.1175 of the Government Code protects the home address, home telephone number, emergency contact information, social security number, and family member information of certain individuals, when that information is held by a governmental body in a non-employment capacity and the individual elects to keep the information confidential.² *See Gov't Code § 552.1175*. Section 552.1175 applies, in part, to “peace officers as defined by Article 2.12, Code of Criminal Procedure.” *Id.* § 552.1175(a)(1). We have marked information pertaining to a peace officer employed by the department and held by the department in its investigative capacity. To the extent the individual at issue elects to keep this information confidential, the department must withhold it under section 552.1175 of the Government Code.

Section 552.130 of the Government Code provides, in relevant part:

(a) Information is excepted from the requirements of Section 552.021 if the information relates to:

(1) a motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country;

...

(3) a personal identification document issued by an agency of this state or another state or country or a local agency authorized to issue an identification document.

Id. § 552.130(a)(1), (3). Accordingly, the department must withhold the driver's license numbers we have marked under section 552.130 of the Government Code. However, you have also marked a number under section 552.130 identified in the documents as “SID” and “State ID Number.” This number does not consist of information relating to a personal identification document issued by a Texas agency, or an agency of another state or country or a local agency authorized to issue an identification document for purposes of section 552.130, and it may not be withheld under section 552.130 of the Government Code.

²The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

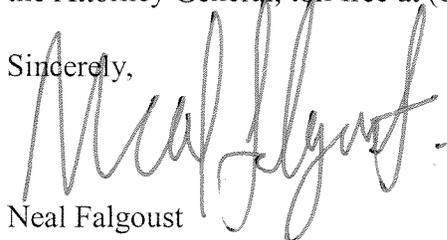
Section 552.147 of the Government Code provides, “[t]he social security number of a living person is excepted from” required public disclosure under the Act. *Id.* § 552.147. Upon review, we find none of the remaining information is subject to section 552.147 of the Government Code, and it may not be withheld on that basis.

In summary, the department must withhold the FBI number you have marked in accordance with the previous determination issued in Open Records Letter No. 2012-07334. To the extent the individual whose personal information we have marked elects to keep this information confidential, the department must withhold it under section 552.1175 of the Government Code. The department must withhold the motor vehicle record information we 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, 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,



Neal Falgoust
Assistant Attorney General
Open Records Division

NF/ag

Ref: ID# 456232

Enc. Submitted documents

c: Requestor
(w/o enclosures)