



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 9, 2012

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

OR2012-16101

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# 471525.

The Mesquite Police Department (the "department") received a request for information related to a traffic accident involving a specified vehicle. You state some of the requested information will be withheld pursuant to the previous determinations issued to the department in Open Records Letter Nos. 2012-06459 (2012), 2012-01375 (2012), 2011-15761 (2011), and 2011-15075 (2011) and the previous determination issued under section 552.130(a)(2) of the Government Code in Open Records Decision No. 684 (2009).<sup>1</sup> You claim other responsive information is excepted from disclosure under section 552.130

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<sup>1</sup>Open Records Letter No. 2012-06459 authorizes the department to withhold the price of a motor vehicle in a call sheet under section 552.101 of the Government Code in conjunction with common-law privacy without the necessity of requesting a decision under section 552.301 of the Government Code. Open Records Letter No. 2012-01375 authorizes the department to withhold motor vehicle lien information in a call sheet under section 552.101 in conjunction with common-law privacy without requesting a decision. Open Records Letter Nos. 2011-15761 and 2011-15075 authorize the department to withhold the originating telephone number and address of a 9-1-1 caller furnished to the department by a service supplier established in accordance with chapter 772 of the Health and Safety Code under section 552.101 in conjunction with section 772.118 of the Health and Safety Code without requesting a decision. See Gov't Code § 552.301(a); Open Records Decision No. 673 (2001) (previous determinations). Open Records Decision No. 684 is a previous determination authorizing all governmental bodies to withhold specified categories of information, including a Texas license plate number under section 552.130, without requesting a decision.

of the Government Code. We have considered the exception you claim and reviewed the information you submitted.

We note the department did not comply with section 552.301 of the Government Code in requesting this decision. Section 552.301 prescribes procedures a governmental body must follow in asking this office to determine whether requested information is excepted from public disclosure. *See* Gov't Code § 552.301(a). Section 552.301(b) provides that a governmental body must ask for the attorney general's decision and claim its exceptions to disclosure not later than the tenth business day after the date of its receipt of the written request for information. *See id.* § 552.301(b). Section 552.302 of the Government Code provides that if a governmental body fails to comply with section 552.301, the requested information is presumed to be subject to required public disclosure and must be released, unless there is a compelling reason to withhold any of the information. *See id.* § 552.302; *Simmons v. Kuzmich*, 166 S.W.3d 342, 350 (Tex. App.—Fort Worth 2005, no pet.); *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381 (Tex. App.—Austin 1990, no writ).

You inform us the department received the present request for information on August 24, 2012; therefore, the department's ten-business-day deadline under section 552.301(b) was September 10. The department requested this decision by United States mail meter-marked September 14. *See* Gov't Code § 552.308 (prescribing requirements for proof of compliance with Gov't Code § 552.301). Thus, the department did not comply with section 552.301 in requesting this decision, and the submitted information is therefore presumed to be public under section 552.302. This statutory presumption can generally be overcome when information is confidential by law or third-party interests are at stake. *See* Open Records Decision Nos. 630 at 3 (1994), 325 at 2 (1982). As your claim under section 552.130 of the Government Code can provide a compelling reason for non-disclosure, we will address it.

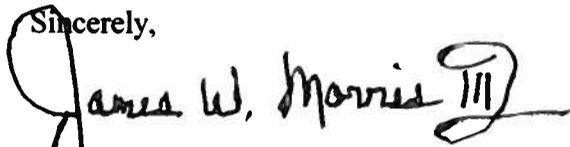
Section 552.130 excepts from disclosure information related to a motor vehicle title or registration issued by an agency of this state or another state or country. *See* Gov't Code § 552.130(a)(2). We agree the department must withhold the motor vehicle information you have marked under section 552.130 of the Government Code. The department must release the rest of the submitted information.

You also ask this office to issue a previous determination authorizing the department to withhold information related to a motor vehicle title or registration under section 552.130 of the Government Code 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). We decline to issue such a decision at this time. 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](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 black ink that reads "James W. Morris III". The signature is written in a cursive style with a large initial "J" and a stylized "III" at the end.

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

JWM/bhf

Ref: ID# 471525

Enc: Submitted documents

c: Requestor  
(w/o enclosures)