



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 12, 2012

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

OR2012-16356

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# 470214.

The Mesquite Police Department (the "department") received a request for the call sheet for a specified service number. You state the department will redact some information pursuant to Open Records Letter Nos. 2011-15761 (2011) and 2011-15075 (2011).¹ You claim some of the submitted information is 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.

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 common-law right of 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

¹Open Records Letter Nos. 2011-15761 and 2011-15075 are previous determinations to the department authorizing the department to withhold the originating addresses and telephone numbers, respectively, 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.

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 excepted from required public disclosure under common-law privacy. *See* Open Records Decision Nos. 600 (1992), 545 (1990), 523 (1989). However, because common-law privacy protects personal privacy, the requestor has a special right of access to information concerning herself. *See* Gov't Code § 552.023(a); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individuals request information concerning themselves).

You state the department will redact some of the submitted information you have marked pursuant to the previous determinations issued to the department in Open Records Letter Nos. 2012-06459 and 2012-01375, respectively. In Open Records Letter Nos. 2012-06459 and 2012-01375, we authorized the department to withhold the price of a motor vehicle and information that reveals the existence of a motor vehicle lien, respectively, from a call sheet under section 552.101 in conjunction with common-law privacy, without requesting a decision from this office. However, these rulings also stated they are not applicable to the price of a motor vehicle or motor vehicle lien information contained in information requested by a person or an authorized representative of a person who owns an interest in the vehicle at issue. *See* Gov't Code § 552.023(a); ORD 481 at 4. In this instance, the submitted information reveals the requestor owns an interest in the vehicle at issue. Therefore, the department may not withhold either the price of the motor vehicle or the motor vehicle lien information from this requestor under section 552.101 of the Government Code in conjunction with common-law privacy.

You also state the department will redact a Texas license plate number from the submitted information pursuant to Open Records Decision No. 684 (2009).² Section 552.130 of the Government Code provides 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. *See* Gov't Code § 552.130(a)(2). We note, however, the purpose of section 552.130 is to protect the privacy interests of individuals. In this instance, the submitted information reveals that the requestor owns an interest in the vehicle at issue; therefore, she has a right of access to all of her motor vehicle record information, and it may not be withheld from her under section 552.130. *See id.* § 552.023(a); ORD 481 at 4. As you raise no further exceptions to disclosure, the department must release the submitted information.

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

²Open Records Decision No. 684 permits a governmental body to redact Texas license plate numbers, which are made confidential by section 552.130(a)(2), without requesting an attorney general decision.

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,



Sean Nottingham
Assistant Attorney General
Open Records Division

SN/bhf

Ref: ID# 470214

Enc. Submitted documents

c: Requestor
(w/o enclosures)