



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 5, 2013

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

OR2013-05483

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# 483176.

The Mesquite Police Department (the "department") received a request for information pertaining to a specified incident and a request from a different requestor for a specified call sheet for a different specified incident. We understand the department will redact portions of the submitted information, which you have marked, pursuant to Open Records Letter Nos. 2012-06459 (2012) and 2011-15075 (2011).<sup>1</sup> You claim some of 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.

Initially, we note the first request seeks information pertaining to a specified incident and the second request seeks the call sheet for a different specified incident. Thus, the information submitted as responsive to the first request is not responsive to the second request, and the

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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. 2011-15075 authorizes the department to withhold the originating telephone numbers 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.

information submitted as responsive to the second request is not responsive to the first request. Accordingly, the department need not release information to the requestors that is not responsive to their requests, and this ruling will not address the public availability of the non-responsive information with respect to each requestor's request.

You state the department will withhold any Texas license plate numbers from the submitted information pursuant to Open Records Decision No. 684 (2009).<sup>2</sup> You also raise section 552.130 of the Government Code for the information you have marked. Section 552.130 provides information relating to a motor vehicle operator's or driver's license or permit, a motor vehicle title or registration, or a personal identification document issued by an agency of Texas or another state or country is excepted from public release. Gov't Code § 552.130(a). However, we note the first requestor has a right of access to his own motor vehicle record information pursuant to section 552.023 of the Government Code. *See id.* § 552.023(b) (governmental body may not deny access to person to whom information relates or person's agent on grounds that information is considered confidential by privacy principles); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individuals request information concerning themselves). Upon our review, we conclude the department must withhold the motor vehicle record information you have marked under section 552.130 of the Government Code. As no further exceptions are raised, the department must release the remaining information; however, the department need not release information to the requestors that is not responsive to their requests.

You also ask this office to issue a previous determination that would permit the department to withhold motor vehicle record information under section 552.130(a)(2) 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) (allowing governmental body to withhold information subject to previous determination); Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). 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 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

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<sup>2</sup>Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold certain categories of information without the necessity of requesting an attorney general decision, including Texas license plate numbers under section 552.130 of the Government Code.

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".

Lindsay E. Hale  
Assistant Attorney General  
Open Records Division

LEH/tch

Ref: ID# 483176

Enc. Submitted documents

c: Two Requestors  
(w/o enclosures)