



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 7, 2013

Ms. Molly Cost
Assistant General Counsel
Texas Department of Public Safety
5805 North Lamar Boulevard, Box 4087
Austin, Texas 78773-0001

OR2013-07512

Dear Ms. Cost:

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# 486545 (DPS PIR# 13-0695).

The Texas Department of Public Safety (the "department") received a request for information indicating the number of people and home address zip codes for individuals who either applied for a new concealed handgun license in 2012 or who applied to renew a concealed handgun license in 2012 and listed their current or past employment as teacher, principal, assistant principal, or "other work in education." You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹ We have also received and considered comments submitted by the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit written comments regarding why information should or should not be released).

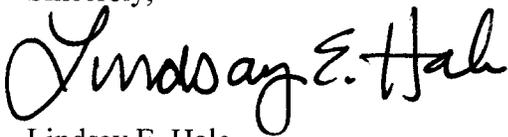
¹This letter ruling assumes that the submitted representative sample of information is truly representative of the requested information as a whole. This ruling does not reach, and therefore does not authorize, the withholding of any other requested information to the extent that the other information is substantially different than that submitted to this office. *See* Gov't Code §§ 552.301(e)(1)(D), .302; Open Records Decision Nos. 499 at 6 (1988), 497 at 4 (1988).

In Open Records Letter No. 2013-06148 (2013), this office issued a previous determination authorizing the department to withhold under section 552.101 of the Government Code² information held by the department that is made confidential under section 411.192 of the Government Code, if the information does not fall under section 411.193 of the Government Code and none of the other exceptions to confidentiality under section 411.192 of the Government Code apply. *See id.* § 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). The requestor contends her request is for information of a statistical nature; thus, section 411.193 applies. *See Gov't Code* § 411.193 (making a statistical report including the number of licenses issued, denied, revoked, or suspended by the department during the preceding month available to the public). Upon our review, we find section 411.193 is not applicable because the submitted information does not constitute a statistical report. *Id.* Therefore, the department must withhold the submitted concealed handgun license information under section 552.101 in conjunction with section 411.192 of the Government Code in accordance with the previous determination issued to the department in Open Records Letter No. 2013-06148.

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,



Lindsay E. Hale
Assistant Attorney General
Open Records Division

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²Section 552.101 of the Government Code exempts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes, such as section 411.192 of the Government Code.

Ref: ID# 486545

Enc. Submitted documents

c: Requestor
(w/o enclosures)