



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 18, 2013

Ms. Teresa J. Brown  
Senior Open Records Assistant  
City of Plano Police Department  
P.O. Box 860358  
Plano, Texas 75086-0358

OR2013-18162

Dear Ms. Brown:

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# 502746 (Plano ORR# SHAK073013).

The Plano Police Department (the "department") received a request for information pertaining to a specified incident report. You state the department has destroyed some of the requested information pursuant to its records retention schedule.<sup>1</sup> The department claims the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

The submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2011-04288 (2011). In Open Records Letter No. 2011-04288, we determined the department must withhold some information under section 552.101 of the Government Code in conjunction with common-law privacy and motor vehicle record information under section 552.130 of the Government Code, but must release the remaining information. In this instance, we note the submitted documents contain motor vehicle record information pertaining to the requestor. Section 552.130 protects privacy interests. Thus, the requestor has a right of access to his own motor vehicle record information pursuant to section 552.023 of the Government Code. *See Gov't Code* § 552.023(a) ("[a] person or a person's authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person's privacy interests"); Open Records Decision No. 481 at 4 (1987) (privacy

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<sup>1</sup>The Act does not require a governmental body to disclose information that did not exist when the request for information was received. *Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. App.—San Antonio 1978, writ dismissed); Open Records Decision No. 452 at 3 (1986).

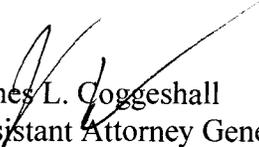
theories not implicated when individuals request information concerning themselves). Accordingly, we find the circumstances have changed with respect to the requestor's motor vehicle record information, and the department may not rely on Open Records Letter No. 2011-04288 as a previous determination in regard to that information. *See* Open Records Decision No. 673 at 7-8 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). Therefore, the department may not withhold the requestor's motor vehicle record information under section 552.130 in accordance with Open Records Letter No. 2011-04288, but instead must release this information to this requestor pursuant to section 552.023 of the Government Code. However, as to the information to which the requestor does not have a right of access, we have no indication the law, facts, and circumstances on which the prior ruling was based have changed. Thus, the department must continue to rely on Open Records Letter No. 2011-04288 as a previous determination and withhold or release the remaining information in accordance with that ruling. ORD 673 (2001).

To conclude, the department must release the submitted motor vehicle record information to which the requestor has a right of access under section 552.023 of the Government Code. The department must withhold or release the remaining information in accordance with Open Records Letter No. 2013-04288.

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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

  
James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/tch

Ref: ID# 502746

Enc. Submitted documents

c: Requestor  
(w/o enclosures)