



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 8, 2014

Chief Deputy C. R. Servise  
Burnet County Sheriff's Office  
P.O. Box 1249  
Burnet, Texas 78611

OR2014-15772

Dear Chief Deputy Servise:

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# 535385 (OR 2543).

The Burnet County Sheriff's Office (the "sheriff's office") received a request for any and all records relating to operations of the sheriff's office or other law enforcement officials on, near or over a specified location on a specified date. You state you will release some information with redactions made pursuant to Open Records Decision No. 684 (2009).<sup>1</sup> We understand you claim some of the submitted information is not subject to the Act and claim the remaining information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered your arguments and reviewed the submitted information.

Initially, you inform us some of the submitted information is subject to section 11.030 of the Texas Parks and Wildlife Code, which provides, in relevant part, the following:

- (a) The name and address and a telephone, social security, driver's license, bank account, credit card, or charge card number of a person who purchases customer products, licenses, or services from the [Texas Parks and Wildlife Department (the "department")] may not be disclosed except as authorized under this section or Section 12.0251.

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<sup>1</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.

(b) [The Act], does not apply to customer information described by Subsection (a).

(c) The [Parks and Wildlife C]ommission by rule shall adopt policies relating to:

(1) the release of the customer information;[and]

(2) the use of the customer information by the department[.]

Parks & Wild. Code § 11.030(a), (b), (c)(1)-(2). The sheriff's office explains that the department released customer information that is confidential under section 11.030 to the sheriff's office. *See* 31 T.A.C. § 51.304(a)(2) (department may disclose confidential customer information to another agency that agrees to maintain confidentiality of the information). Because section 11.030 expressly excludes customer information from the provisions of the Act, this information is not subject to the Act and the sheriff's office need not release it to the requestor.

Section 552.101 of the Government Code exempts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." *See* Gov't Code § 552.101. Section 552.101 encompasses chapter 411 of the Government Code, which makes confidential criminal history record information ("CHRI") generated by the National Crime Information Center or by the Texas Crime Information Center. *See id.* § 411.083(a). Title 28, part 20 of the Code of Federal Regulations governs the release of CHRI that states obtain from the federal government or other states. Open Records Decision No. 565 (1990). The federal regulations allow each state to follow its individual laws with respect to the CHRI it generates. *See id.* Section 411.083 of the Government Code deems confidential CHRI that the Department of Public Safety ("DPS") maintains, except that DPS may disseminate this information as provided in chapter 411, subchapter F of the Government Code. *See* Gov't Code § 411.083. Sections 411.083(b)(1) and 411.089(a) authorize a criminal justice agency to obtain CHRI; however, a criminal justice agency may not release CHRI except to another criminal justice agency for a criminal justice purpose. *Id.* § 411.089(b)(1). Other entities specified in chapter 411 of the Government Code are entitled to obtain CHRI from DPS or another criminal justice agency; however, those entities may not release CHRI except as provided by chapter 411. *See generally id.* §§ 411.090-127. Thus, any CHRI obtained from DPS or any other criminal justice agency must be withheld under section 552.101 in conjunction with chapter 411, subchapter F of the Government Code. We note section 411.083 does not apply to active warrant information or other information relating to one's current involvement with the criminal justice system. *See id.* § 411.081(b) (police department allowed to disclose information pertaining to person's current involvement in the criminal justice system). Further, CHRI does not include driving record information. *See id.* § 411.082(2)(B). Upon review, we find the information you

marked consists of CHRI the sheriff's office must withhold under section 552.101 in conjunction with section 411.083 of the Government Code.

Section 552.130 of the Government Code excepts from disclosure information related to a motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country. *See id.* § 552.130(a)(1). Accordingly, the sheriff's office must withhold the driver's license information we marked under section 552.130 of the Government Code.

In summary, the sheriff's office must withhold the information you marked under section 552.101 in conjunction with section 411.083 of the Government Code. The sheriff's office must withhold the motor vehicle record information we marked under section 552.130 of the Government Code. The remaining information subject to the Act must be released.

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,



Rahat Huq  
Assistant Attorney General  
Open Records Division

RSH/dls

Ref: ID# 535385

Enc. Submitted documents

c: Requestor  
(w/o enclosures)