



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 7, 2016

Mr. Brendan W. Guy
Assistant Criminal District Attorney
Victoria County Criminal District Attorney's Office
205 North Bridge Street, Suite 301
Victoria, Texas 77901-8085

OR2016-00447

Dear Mr. Guy:

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# 600234.

The Victoria County Sheriff's Office (the "sheriff's office") received a request for case number 515-05747. You claim some of the submitted information is exempted from disclosure under sections 552.101 and 552.130 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code exempts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses the doctrine of common-law privacy, which protects information that is (1) highly intimate or embarrassing, the publication of which would be highly objectionable to a reasonable person, and (2) 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 test must be satisfied. *Id.* at 681-82. Types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation*. *Id.* at 683. This office has found personal financial information not relating to a financial transaction between an

¹Although you do not raise section 552.130 of the Government Code in your brief, we understand you to raise this exception based on the substance of your argument.

individual and a governmental body is excepted from required public disclosure under common-law privacy. *See, e.g.,* Open Records Decision No. 545 (1990) (common-law privacy protects mortgage payments, assets, bills, and credit history). Upon review, we find the information you have marked, and the additional information we have marked, satisfies the standard articulated by the Texas Supreme Court in *Industrial Foundation*. Therefore, the sheriff's office must withhold the marked information under section 552.101 of the Government Code in conjunction with common-law privacy.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release. *See* Gov't Code § 552.130. Accordingly, the sheriff's office must withhold the motor vehicle record information you have marked, and the additional information we have marked, under section 552.130 of the Government Code.

The remaining documents also include information that is subject to section 552.136 of the Government Code.² Section 552.136 provides, "Notwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential." Gov't Code § 552.136(b); *see id.* § 552.136(a) (defining "access device"). This office has determined insurance policy numbers are access device numbers for purposes of section 552.136. Accordingly, the sheriff's office must withhold the insurance policy number we have marked under section 552.136 of the Government Code.

In summary, the sheriff's office must withhold (1) the marked information under section 552.101 of the Government Code in conjunction with common-law privacy, (2) the marked motor vehicle record information under section 552.130 of the Government Code, and (3) the marked insurance policy number under section 552.136 of the Government Code. The sheriff's office must release the remaining information.

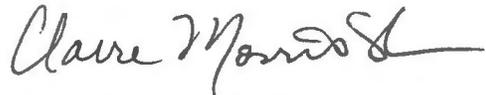
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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 responsibilities, please visit our website at 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

²The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Claire Morris Sloan". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/sb

Ref: ID# 600234

Enc. Submitted documents

c: Requestor
(w/o enclosures)