



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 30, 2016

Ms. Lorie Floyd  
HR Director  
Kaufman County  
100 North Washington  
Kaufman, Texas 75142

OR2016-19655

Dear Ms. Floyd:

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# 622860.

The Kaufman County Human Resource Department (the "department") received a request for information pertaining to the requestor's client; policies of the department, Kaufman County District Attorney's Office, and Kaufman County Constable's Office, Precinct 2 (the "constable's office"); and information pertaining to specified types of investigations by the constable's office. The department states it released portions of the personnel file of the requestor's client and policies for Kaufman County (the "county"). The department claims some of the submitted information is excepted from disclosure under sections 552.101, 552.102, 552.108, 552.117, 552.1175, 552.119, 552.130, 552.136, 552.137, and 552.147 of the Government Code.<sup>1</sup> We have considered the claimed exceptions and reviewed the submitted information. We have received correspondence from the Texas Rangers. *See* Gov't Code § 552.304 (permitting interested third party to submit to attorney general reasons why requested information should or should not be released). We have also received and considered comments from the requestor. *See id.*

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<sup>1</sup>Although you do not raise sections 552.102, 552.130, 552.136, and 552.147 of the Government Code in your brief, we understand you to claim these exceptions based on your markings in the submitted information. Although you also raise sections 552.103 and 552.152 of the Government Code for the submitted information, you provide no arguments explaining how these exceptions are applicable to the information at issue. Therefore, we assume you no longer assert these exceptions. *See* Gov't Code §§ 552.301, .302.

Initially, we note the department has only submitted the personnel file of the requestor's client and policies for the county. To the extent any information responsive to remaining portions of the request existed on the date the department received the request, we assume the department has released it. If the department has not released any such information, it must do so at this time. *See id.* §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

Next, we note the submitted information contains a peace officer's Texas Commission on Law Enforcement ("TCOLE") identification number. Section 552.002(a) of the Government Code defines "public information" as information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

- (1) by a governmental body;
- (2) for a governmental body and the governmental body:
  - (A) owns the information;
  - (B) has a right of access to the information; or
  - (C) spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or
- (3) by an individual officer or employee of a governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body.

Gov't Code § 552.002(a). In Open Records Decision No. 581 (1990), this office determined certain computer information, such as source codes, documentation information, and other computer programming, that has no significance other than its use as a tool for the maintenance, manipulation, or protection of public property is not the kind of information made public under section 552.021 of the Government Code. We understand an officer's TCOLE identification number is a unique computer-generated number assigned to peace officers for identification in TCOLE's electronic database and may be used as an access device number on the TCOLE website. Accordingly, we find the officer's TCOLE identification number in the submitted information does not constitute public information under section 552.002 of the Government Code. Therefore, the TCOLE identification number is not subject to the Act and need not be released to the requestor.

Next, we note some of the submitted information, which we have marked, is not responsive to the instant request. This ruling does not address the public availability of any information

that is not responsive to the request and the department is not required to release such information in response to this request.

Next, we note the department has redacted dates of birth in the submitted responsive information. A governmental body may not withhold information from the public without asking this office for a decision under section 552.301 of the Government Code unless a provision of the Act or a previous determination specifically authorizes the governmental body to do so. *See* Gov't Code § 552.301(a); Open Records Decision No. 673 (2001). The department does not assert, nor does our review of the records indicate, the department has been authorized to withhold a date of birth without seeking a ruling from this office. Therefore, information must be submitted in a manner that enables this office to determine whether the information comes within the scope of an exception to disclosure. In this instance, we can discern the nature of the redacted dates of birth; thus, being deprived of this information does not inhibit our ability to make a ruling. In the future, however, the department should refrain from redacting any information that it is not authorized to withhold in seeking an open records ruling. Failure to do so may result in the presumption the redacted information is public. *See* Gov't Code § 552.302.

Additionally, we note the department also redacted the e-mail address of the requestor's client. Although e-mail addresses of members of the public are excepted from disclosure under section 552.137 of the Government Code and may be withheld from disclosure by governmental bodies without seeking a ruling from this office, the requestor has a right of access to his client's e-mail address under section 552.137(b) of the Government Code.<sup>2</sup> *See id.* § 552.137(b) (personal e-mail address of member of public may be disclosed if owner of address affirmatively consents to its disclosure). Accordingly, this information may not be withheld from the requestor under section 552.137, and must be released.

We note the submitted responsive information contains fingerprints, the public availability of which is governed by sections 560.001, 560.002, and 560.003 of the Government Code. Section 560.003 of the Government Code provides, "[a] biometric identifier in the possession of a governmental body is exempt from disclosure under [the Act]." *Id.* § 560.003; *see id.* § 560.001(1) ("biometric identifier" means retina or iris scan, fingerprint, voiceprint, or record of hand or face geometry). Section 560.002 of the Government Code provides, however, "[a] governmental body that possesses a biometric identifier of an individual . . . may not sell, lease, or otherwise disclose the biometric identifier to another person unless . . . the individual consents to the disclosure[.]" *Id.* § 560.002(1)(A). In this instance, the requestor is the attorney for the individual whose fingerprints are at issue. Thus, the requestor has a right of access to his client's fingerprints under section 560.002(1)(A). We note the general exceptions found in the Act cannot impinge on a statutory right of access

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<sup>2</sup>*See* Open Records Decision No. 684 (2009) (authorizing governmental bodies to withhold certain categories of information, including e-mail addresses of members of the public under section 552.137, without the necessity of requesting an attorney general decision).

to information. *See* Open Records Decision Nos. 613 at 4 (1993), 451 at 4 (1986). Therefore, the department must release the requestor's client's fingerprints to him pursuant to section 560.002 of the Government Code.

Section 552.108(a)(1) of the Government Code excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]” Gov’t Code § 552.108(a)(1). A governmental body claiming section 552.108(a)(1) must explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). We note section 552.108 is generally not applicable to purely administrative records that do not involve the investigation or prosecution of crime. *See City of Fort Worth v. Cornyn*, 86 S.W.3d 320 (Tex. App.—Austin 2002, no pet.); *Morales v. Ellen*, 840 S.W.2d 519, 525-26 (Tex. Civ. App.—El Paso 1992, writ denied) (statutory predecessor to section 552.108 not applicable to internal investigation that did not result in criminal investigation or prosecution). The Texas Rangers state the information at issue pertains to an ongoing criminal investigation. Based on this representation, we conclude the release of the information at issue would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court delineates law enforcement interests that are present in active cases), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, section 552.108(a)(1) is applicable to the information at issue. Accordingly, the department may withhold the information it marked under section 552.108(a)(1) of the Government Code on behalf of the Texas Rangers.<sup>3</sup>

Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. Section 552.101 encompasses information protected by other statutes, such as section 1701.306 of the Occupations Code, which pertains to L-2 Declaration of Medical Condition and L-3 Declaration of Psychological and Emotional Health forms required by TCOLE. Section 1701.306 provides the following:

(a) [TCOLE] may not issue a license to a person unless the person is examined by:

(1) a licensed psychologist or by a psychiatrist who declares in writing that the person is in satisfactory psychological and emotional health to serve as the type of officer for which a license is sought; and

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<sup>3</sup>As our ruling is dispositive, we need not address the department's remaining arguments against disclosure of this information.

(2) a licensed physician who declares in writing that the person does not show any trace of drug dependency or illegal drug use after a blood test or other medical test.

(b) An agency hiring a person for whom a license is sought shall select the examining physician and the examining psychologist or psychiatrist. The agency shall prepare a report of each declaration required by Subsection (a) and shall maintain a copy of the report on file in a format readily accessible to [TCOLE]. A declaration is not public information.

Occ. Code § 1701.306(a)-(b). Upon review, we find the department must withhold the L-2 and L-3 forms we marked under section 552.101 of the Government Code in conjunction with section 1701.306 of the Occupations Code.

Section 552.101 of the Government Code also encompasses section 1701.454 of the Occupations Code. Section 1701.454 governs the public availability of information submitted to TCOLE under subchapter J of chapter 1701 of the Occupations Code and provides as follows:

(a) All information submitted to [TCOLE] under this subchapter is confidential and is not subject to disclosure under [the Act], unless the person resigned or was terminated due to substantiated incidents of excessive force or violations of the law other than traffic offenses.

(b) Except as provided by this subchapter, a [TCOLE] member or other person may not release information submitted under this subchapter.

*Id.* § 1701.454. The remaining responsive information includes an F-5 Separation of Licensee form that was submitted to TCOLE pursuant to subchapter J of chapter 1701 of the Occupations Code. However, in this instance, the submitted information reveals the individual at issue may have resigned or have been terminated due to a violation of the law other than traffic offenses. Thus, if the individual at issue did not resign or was not terminated due to a violation of the law other than traffic offenses, then the department must withhold the submitted F-5 Separation of Licensee form under section 552.101 in conjunction with section 1701.454 of the Occupations Code. However, if the individual at issue resigned or was terminated due to a violation of the law other than traffic offenses, the department may not withhold the information at issue under section 552.101 on this basis.

Section 552.101 of the Government Code also 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. Title 28, part 20 of the Code of Federal Regulations governs the release of CHRI states obtain from the federal government or other states. Open Records Decision No. 565 at 7 (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 or subchapter E-1 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 or subchapter E-1 of the Government Code. We note CHRI does not include driving record information. *See id.* § 411.082(2)(B). Upon review, we find the department has not demonstrated any portion of the remaining responsive information consists of CHRI for purposes of chapter 411 of the Government Code, and the department may not withhold it under section 552.101 on that basis.

Section 552.139(b)(3) of the Government Code provides, “a photocopy or other copy of an identification badge issued to an official or employee of a governmental body” is confidential.<sup>4</sup> *Gov’t Code* § 552.139(b)(3). Some of the remaining responsive information consists of photocopies of identification cards. Therefore, the department must withhold the information we marked under section 552.139(b)(3) of the Government Code.<sup>5</sup>

Section 552.102(a) of the Government Code excepts from disclosure “information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” *Id.* § 552.102(a). The Texas Supreme Court held section 552.102(a) excepts from disclosure the dates of birth of state employees in the payroll database of the Texas Comptroller of Public Accounts. *Tex. Comptroller of Pub. Accounts v. Attorney Gen. of Tex.*, 354 S.W.3d 336 (Tex. 2010). The remaining responsive information includes the date of birth of the requestor’s client, which the department redacted. Because section 552.102 protects personal privacy, the requestor has a right of access to the date of birth of his client under section 552.023 of the Government Code and it may not be withheld from him under section 552.102(a). *See Gov’t Code* § 552.023(a) (governmental body may not deny access to person to whom information relates or person’s agent on ground that information is considered confidential by privacy principles); Open Records Decision

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<sup>4</sup>The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

<sup>5</sup>As our ruling is dispositive, we need not address the department’s arguments against disclosure of this information.

No. 481 at 4 (1987) (privacy theories not implicated when individuals request information concerning themselves). Accordingly, the department may not withhold the date of birth of the requestor's client under section 552.102(a) of the Government Code.

Section 552.101 of the Government Code also encompasses the doctrine of common-law privacy. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). Under the common-law right of privacy, an individual has a right to be free from the publicizing of private affairs in which the public has no legitimate concern. *Id.* at 682. In considering whether a public citizen's date of birth is private, the Third Court of Appeals looked to the supreme court's rationale in *Texas Comptroller of Public Accounts v. Attorney General of Texas*, 354 S.W.3d 336 (Tex. 2010). *Paxton v. City of Dallas*, No. 03-13-00546-CV, 2015 WL 3394061, at \*3 (Tex. App.—Austin May 22, 2015, pet. denied) (mem. op.). The supreme court concluded public employees' dates of birth are private under section 552.102 of the Government Code because the employees' privacy interest substantially outweighed the negligible public interest in disclosure.<sup>6</sup> *Texas Comptroller*, 354 S.W.3d at 347-48. Based on *Texas Comptroller*, the court of appeals concluded the privacy rights of public employees apply equally to public citizens, and thus, public citizens' dates of birth are also protected by common-law privacy pursuant to section 552.101. *City of Dallas*, 2015 WL 3394061, at \*3. However, the requestor has a right of access to his client's private information. *See* Gov't Code § 552.023(a); ORD 481 at 4. Further, the requestor's client is the authorized representative of some of the individuals, who we have indicated, whose dates of birth the department redacted, and may also be the authorized representative of another individual, who we have indicated, whose date of birth the department redacted. *See* Gov't Code § 552.023(a); ORD 481 at 4. Thus, the requestor has a right of access to some of the redacted information that would otherwise be confidential under common-law privacy. The department may not withhold a date of birth to which the requestor has a right of access under section 552.101 of the Government Code on the basis of common-law privacy. Thus, with the exception of any dates of birth to which the requestor has a right of access, the department must withhold the public citizens' dates of birth, which we have marked, under section 552.101 of the Government Code in conjunction with common-law privacy. However, we find none of the remaining information at issue is highly intimate or embarrassing information and of no legitimate public interest, and it may not be withheld under section 552.101 of the Government Code in conjunction with common-law privacy.

Section 552.117(a)(1) of the Government Code applies to records held by a governmental body in an employment capacity and excepts from disclosure the home address and telephone number, emergency contact information, social security number, and family member information of a current or former employee or official of a governmental body who requests

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<sup>6</sup>As previously discussed, section 552.102(a) excepts from disclosure "information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Gov't Code § 552.102(a).

this information be kept confidential under section 552.024 of the Government Code. *See* Gov't Code § 552.117(a)(1). Whether a particular item of information is protected by section 552.117(a)(1) must be determined at the time of the governmental body's receipt of the request for the information. *See* Open Records Decision No. 530 at 5 (1989). Thus, information may be withheld under section 552.117(a)(1) only on behalf of a current or former employee or official who made a request for confidentiality under section 552.024 prior to the date of the governmental body's receipt of the request for the information. Section 552.024(c) of the Government Code authorizes a governmental body to withhold information subject to section 552.117 of the Government Code without requesting a decision from this office if the employee or official or former employee or official timely chooses not to allow public access to the information. *See* Gov't Code §§ 552.024(c), .117(a)(1).

Section 552.117(a)(2) of the Government Code applies to records held by a governmental body in an employment capacity and excepts from public disclosure the home address, home telephone number, emergency contact information, and social security number of a peace officer, as well as information that reveals whether the peace officer has family members, regardless of whether the peace officer complies with sections 552.024 and 552.1175 of the Government Code. *See id.* § 552.117(a)(2). Section 552.117(a)(2) applies to peace officers as defined by article 2.12 of the Code of Criminal Procedure. Open Records Decision No. 670 (2001) authorizes all governmental bodies to withhold the current and former home addresses and telephone numbers, personal cellular telephone and pager numbers, social security numbers, and family member information of peace officers under section 552.117(a)(2) of the Government Code without the necessity of requesting an attorney general decision. ORD 670 at 6.

We understand the department has redacted certain information pursuant to section 552.024(c) and Open Records Decision No. 670. However, section 552.117 protects personal privacy. Pursuant to section 552.023 of the Government Code the requestor has a right of access to his client's private information. *See* Gov't Code § 552.023(b); ORD 481 at 4. Accordingly, the department may not withhold the information belonging to the requestor's client under section 552.117(a)(1) or section 552.117(a)(2) of the Government Code. Further, we find no portion of the remaining responsive information is subject to section 552.117(a)(1) or section 552.117(a)(2), and the department may not withhold any of the remaining responsive information at issue on those bases.

Some of the remaining responsive information may be subject to section 552.1175 of the Government Code. Section 552.1175 protects certain information held by a governmental body in a non-employment capacity and provides in part:

- (a) This section applies only to:

(1) peace officers as defined by Article 2.12, Code of Criminal Procedure[.]

(b) Information that relates to the home address, home telephone number, emergency contact information, date of birth, or social security number of an individual to whom this section applies, or that reveals whether the individual has family members is confidential and may not be disclosed to the public under this chapter if the individual to whom the information relates:

(1) chooses to restrict public access to the information; and

(2) notifies the governmental body of the individual's choice on a form provided by the governmental body, accompanied by evidence of the individual's status.

Gov't Code § 552.1175(a)(1), (b). We note section 552.1175 is also applicable to personal cellular telephone numbers, provided the cellular telephone service is not paid for by a governmental body. *See* Open Records Decision No. 506 at 5-6 (1988) (section 552.117 not applicable to cellular telephone numbers paid for by governmental body and intended for official use). Some of the remaining responsive information may relate to individuals who were licensed peace officers of other law enforcement agencies. However, we are unable to determine from the information provided which, if any, of the individuals at issue are currently licensed peace officers. Thus, we must rule conditionally. Accordingly, to the extent the information at issue, which we have marked, relates to individuals who are currently licensed as peace officers and who elect to restrict access to the information in accordance with section 552.1175(b), the department must withhold the marked information under section 552.1175 of the Government Code; however, the marked cellular telephone number may be withheld only if a governmental body does not pay for the cellular telephone service.<sup>7</sup> Conversely, if the individuals whose information is at issue are not currently licensed as peace officers or do not elect to restrict access to their information in accordance with section 552.1175(b), the marked information may not be withheld under section 552.1175 of the Government Code. Further, we find the department has not demonstrated any portion of the remaining responsive information pertains to the types of individuals to whom section 552.1175 applies. As such, the department may not withhold any of the remaining responsive information on this basis.

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. We understand the department

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<sup>7</sup>As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.

has redacted certain information pursuant to section 552.130(c), which allows a governmental body to redact the information described in subsection 552.130(a) without the necessity of seeking a decision from the attorney general. *See id.* § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e). However, we note section 552.130 protects personal privacy. Accordingly, the requestor has a right of access to his client's redacted motor vehicle record information under section 552.023 of the Government Code. *See id.* § 552.023(b); ORD 481 at 4. Accordingly, the department may not withhold the requestor's client's motor vehicle record information pursuant to section 552.130.

Section 552.136 of the Government Code provides, “[n]otwithstanding 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. *See* Open Records Decision No. 684 at 9 (2009). We understand the department has redacted certain information pursuant to section 552.136(c), which permits a governmental body to withhold the information described in section 552.136(b) without the necessity of seeking a decision from this office. *See* Gov’t Code § 552.136(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.136(e). *See id.* § 552.136(d), (e). We note section 552.136 protects personal privacy. Accordingly, the requestor has a right of access to his client's redacted insurance policy number under section 552.023 of the Government Code. *See id.* § 552.023(b); ORD 481 at 4. Accordingly, the department may not withhold the requestor's client's insurance policy number under section 552.136. However, the department must withhold the information we marked under section 552.136 of the Government Code.

Section 552.147 of the Government Code provides “[t]he social security number of a living person is excepted from” required public disclosure under the Act. Gov’t Code § 552.147(a). We understand the department has redacted social security numbers pursuant to section 552.147(b), which authorizes a governmental body to redact a living person's social security number from public release without requesting a decision from this office under the Act. *Id.* § 552.147(b). However, because section 552.147 protects privacy interests, the requestor has a right of access to his client's social security number. *See id.* § 552.023(a); ORD 481 at 4. Further, the requestor's client is the authorized representative of some of the individuals, who we have indicated, whose social security numbers you redacted and may also be the authorized representative of another individual, who we have indicated, whose social security number you redacted. Thus, the requestor has a right of access to some of the information you redacted that would otherwise be private. The department may not withhold a social security number to which the requestor has a right of access under section 552.147. Thus, with the exception of the social security numbers to which the requestor has a right of access, the department may withhold the submitted social security numbers under section 552.147 of the Government Code.

We note some of the remaining responsive information may be protected by copyright. A custodian of public records must comply with the copyright law and is not required to furnish copies of records that are copyrighted. Open Records Decision No. 180 at 3 (1977). A governmental body must allow inspection of copyrighted materials unless an exception applies to the information. *Id.*; see Open Records Decision No. 109 (1975). If a member of the public wishes to make copies of copyrighted materials, the person must do so unassisted by the governmental body. In making copies, the member of the public assumes the duty of compliance with the copyright law and the risk of a copyright infringement suit.

In summary, the TCOLE identification number in the submitted information is not subject to the Act and need not be released to the requestor. The department must release the requestor's client's fingerprints to him pursuant to section 560.002 of the Government Code. The department may withhold the information it marked under section 552.108(a)(1) of the Government Code on behalf of the Texas Rangers. The department must withhold the L-2 and L-3 forms we marked under section 552.101 of the Government Code in conjunction with section 1701.306 of the Occupations Code. If the individual at issue did not resign or was not terminated due to a violation of the law other than traffic offenses, then the department must withhold the submitted F-5 Separation of Licensee form under section 552.101 of the Government Code in conjunction with section 1701.454 of the Occupations Code. The department must withhold the information we marked under section 552.139(b)(3) of the Government Code. With the exception of any dates of birth to which the requestor has a right of access, the department must withhold the public citizens' dates of birth, which we have marked, under section 552.101 of the Government Code in conjunction with common-law privacy. To the extent the information we marked relates to individuals who are currently licensed as peace officers and who elect to restrict access to the information in accordance with section 552.1175(b) of the Government Code, the department must withhold the marked information under section 552.1175 of the Government Code; however, the marked cellular telephone number may be withheld only if a governmental body does not pay for the cellular telephone service. The department must withhold the information we marked under section 552.136 of the Government Code. With the exception of the social security numbers to which the requestor has a right of access, the department may withhold the submitted social security numbers under section 552.147 of the Government Code. The remaining responsive information must be released to this requestor; however, any information protected by copyright may only be released in accordance with copyright law.<sup>8</sup>

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<sup>8</sup>We note the requestor has a special right of access to some of the information being released in this instance. See Gov't Code §§ 552.023(a), .137(b), 560.002. Because such information is confidential with respect to the general public, if the department receives another request for this information from a different requestor, then the department should again seek a ruling from this office.

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,

A handwritten signature in black ink, appearing to read "Paige Thompson", written in a cursive style.

Paige Thompson  
Assistant Attorney General  
Open Records Division

PT/dls

Ref: ID# 622860

Enc. Submitted documents

c: Requestor  
(w/o enclosures)