



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 26, 1996

Mr. David M. Douglas  
Assistant Chief  
Legal Services  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR96-0235

Dear Mr. Douglas:

You seek reconsideration of Open Records Letter No. 95-1344 (1995), in which this office determined that the Texas Open Records Act, Government Code chapter 552, required the Texas Department of Public Safety (the "department") to make certain information available to the public. We have assigned your request for reconsideration ID# 38518.

The department received a request for the job application forms of Texas Ranger Marcus Hilton and Trooper Michael Coleman and for access to the dates of birth of these individuals. In Open Records Letter No. 95-1344 (1995), this office concluded that section 552.117 did not except from disclosure the officers' dates of birth and drivers' license numbers. You assert that release of this information "would have the effect of allowing any member of the public to obtain the driving record of that peace officer," which also contains the officer's home address. You also contend that the release of this information could place the officers, and their families in unwarranted danger and that release of such information "could unduly interfere with law enforcement activities" and may therefore be withheld under section 552.108.

As this office explained in Open Records Letter No. 95-1344 (1995), former section 552.117, which applies to this request for information, protects the home addresses and telephone numbers on the requested applications. See Open Records Decision No. 532 (1989). Former section 552.117(1)(B) does not protect any other information on the applications. We also noted that while providing the officers' dates of birth enables an individual to obtain access to the officers' driving records, the department may withhold the home addresses on the driving records from required public disclosure under section 552.117(1)(B). You state, however, that "there is no practical method in

the DPS system of maintaining driving records for a notation relating to peace officer status to be included.”

The Seventy-fourth Legislature amended section 552.117 of the Government Code, effective September 1, 1995. *See* Act of May 29, 1995, 74th Leg., R.S., ch. 1035, §9, 1995 Tex. Sess. Law Serv. 5127, 5132. Thus, for requests for information the department receives after September 1, 1995, section 552.117 of the Government Code covers the home address, home telephone number, social security number, and information about family members of a current or former official or employee of a governmental body, a peace officer as defined by article 1.12 of the Code of Criminal Procedure, and a security officer commissioned under section 51.212 of the Education Code. *See id.* Thus, although the legislature added social security numbers and family information to the section 552.117 exception, it did not include within the provision an exception for drivers' license numbers.

We have examined your request for reconsideration. Although you have provided us with additional arguments in an attempt to demonstrate the applicability of section 552.108 by claiming that release “could” interfere with law enforcement, you have not explained and we fail to see how, release of the requested information would unduly interfere with law enforcement in this particular instance. Whether information falls within section 552.108 must be determined on a case-by-case basis. Open Records Decision Nos. 434 (1986) at 2, 287 (1981) at 2. Therefore, we decline to overrule our decision in Open Records Letter No. 95-1344 (1995).

If you have any questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/ch

Ref: ID# 38518

cc: Ms. Terri Langford  
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