OFFICE OF THE ATTORNEY GENERAL · STATE OF TEXAS
JOHN CORNYN

October 5, 1999

Mr. Duncan Fox
Assistant Chief
Legal Services
Texas Department of Public Safety
5805 North Lamar Boulevard
Box 4087
Austin, Texas 78773-0001

OR99-2821

Dear Mr. Fox:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129174.

The Department of Public Safety (the "DPS") received a request for

> 1. The names of all individuals whose concealed handgun licenses have been revoked from January 1, 1996, to the present;
>
> 2. The names of all individuals whose concealed handgun licenses have been suspended from January 1, 1996, to the present;
>
> 3. Any documents, reports or memos filed to support decisions to revoke and/or suspend those licenses;
>
> 4. The names of all individuals whose concealed handgun license expired and was not renewed while under review for possible revocation or suspension.

You submitted representative samples of the requested information[1], but you contend that the information is made confidential by section 552.101 in conjunction with section 411.192 of the Government Code.

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[1]In reaching our conclusion, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision No. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Section 552.101 of the Government Code excepts from disclosure information considered to be confidential by law, either constitutional, statutory, or by judicial decision. Sections 411.192 and 411.193 of the Government Code govern the release of all information maintained by the department concerning the licensure of concealed handgun instructors and of individuals to carry a concealed handgun. Section 411.192 provides:

> The department shall disclose to a criminal justice agency information contained in its files and records regarding whether a named individual or any individual named in a specified list is licensed under this subchapter. The department shall, on written request and payment of a reasonable fee to cover costs of copying, disclose to any other individual whether a named individual or any individual whose full name is listed on a specified written list is licensed under this subchapter. Information on an individual subject to disclosure under this section includes the individual's name, date of birth, gender, race, and zip code. *Except as otherwise provided by this section and by Section 411.193, all other records maintained under this subchapter are confidential and are not subject to mandatory disclosure under the open records law, Chapter 552, Government Code*, except that the applicant or license holder may be furnished a copy of disclosable records on request and the payment of a reasonable fee. The department shall notify a license holder of any request that is made for information relating to the license holder under this section and provide the name of the person or agency making the request. This section does not prohibit the department from making public and distributing to the public at no cost lists of individuals who are certified as qualified handgun instructors by the department.

Gov't Code § 411.192 (emphasis added). Section 411.193 further states:

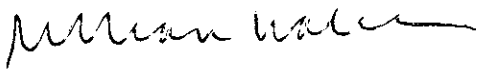
> The department shall make available, on request and payment of a reasonable fee to cover costs of copying, a statistical report that includes the number of licenses issued, denied, revoked, or suspended by the department during the preceding month, listed by age, gender, race, and zip code of the applicant or license holder.

Gov't Code § 411.193. We agree with your contention that the information at issue is confidential under section 552.101 in conjunction with section 411.192. Therefore, the department must withhold the requested information from disclosure.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts

presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 129174

Encl. Submitted documents

cc: Mr. William C. Rempel
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Los Angeles, California 90012

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(w/o enclosures)