



December 22, 1999

Ms. Kimberley Mickelson
Olson & Olson
Attorneys at Law
Three Allen Center, Suite 3485
333 Clay Street
Houston, Texas 77002

OR99-3718

Dear Ms. Mickelson:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 130832.

The City of Friendswood (the "city") received a request for "[a]ll citations/tickets/warnings/violations of animal control laws/ordinances issued from January 1, 1998 through January 15, 1998." You seek to withhold portions of the information responsive to the request under sections 552.101 and 552.130 of the Government Code.¹

Section 552.101 requires withholding, *inter alia*, information made confidential by statute. Also, social security numbers that were obtained or maintained by a governmental body pursuant to any provision of law, enacted on or after October 1, 1990, are confidential pursuant to section 405(c)(2)(C)(viii) of title 42 of the United States Code. You advise that the social security number on the submitted information was "obtained by the Police Department pursuant to an internal policy which requests, but does not mandate, individual's [sic] social security numbers as an additional means to identify and locate an individual who fails to appear in court." In our opinion, you have not established that the social security

¹You note that the city failed to submit its request for an attorney general decision within ten business days of its receipt of request for information here as required by section 552.301(b) of the Government Code. Section 552.302 provides that if a governmental body fails to comply with section 552.301 the requested information must be released unless there is a "compelling reason" for withholding it. *See, e.g.*, Open Records Decision No. 150 (1977) (presumption of openness overcome by a showing that the information is made confidential by another source of law or affects third party interests). We consider your claimed exceptions here because they are all confidentiality provisions and thus, if applicable, will furnish "compelling reasons" for withholding information under section 552.302.

number in question was obtained or maintained pursuant to a provision of law enacted on or after October 1, 1990. Therefore, the social security number must be released.

Section 552.130 provides in relevant part as follows:

- (a) Information is excepted from [required public disclosure] if the information relates to:
 - (1) a motor vehicle operator's or driver's license or permit issued by an agency of this state; [or]
 - (2) a motor vehicle title or registration issued by an agency of this state[.]

The submitted information contains a driver's license number and license plate number that are made confidential under section 552.130. The city must withhold such information pursuant to section 552.130.

We note that you express concern about the need to seek an attorney general decision for repeated requests for similar information. We call your attention to the provisions of section 552.301(a) of the Government Code. Those provisions relieve a governmental body of the need to seek an attorney general decision in order to withhold information where there has been a "previous determination about whether the information falls within one of the exceptions." At least in situations where, as you say, "the information to be redacted and the requested documents are identical," once an attorney general determination is made that particular information may be withheld, the city need not, under section 552.301(a), seek another attorney general determination with respect to the same information.

This letter ruling is limited to the particular records 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 records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



William Walker
Assistant Attorney General
Open Records Division

WMW/ljp

Ref: ID# 130832

Encl. Submitted documents

cc: Mr. Jeff Branscome
308 Woodstream Circle
Friendswood, Texas 77546
(w/o enclosures)