



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 29, 2005

Mr. Mike Stafford
Assistant County Attorney
Harris County
1019 Congress, 15th Floor
Houston, Texas 77002

OR2005-05796

Dear Mr. Stafford:

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# 227231.

The Harris County Tax Assessor-Collector (the "tax assessor") received a request for the names and license numbers of the doctors issuing handicapped parking placards during the last six months. We understand you to claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

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. This section encompasses information protected by other statutes. Section 681.003 of the Transportation Code establishes the procedures by which an individual may obtain a disabled parking "placard." Section 681.003(d) specifically provides:

¹We 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 Nos. 499 (1988), 497 (1988). 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.

Information concerning the name or address of a person to whom a disabled parking placard is issued or in whose behalf a disabled parking placard is issued is confidential and not subject to disclosure under [the Act].

Transp. Code § 681.003(d). Section 681.003(d) specifically makes confidential only the name and address of a person who was issued a disabled parking placard. Section 681.003(d) does not provide for the confidentiality of the names and license numbers of doctors who issue disabled parking placards. However, you cite us to two previous rulings issued by this office where the tax-assessor was ordered to withhold the applications for a parking placard in their entirety under section 552.101 in conjunction with section 681.003(d).² In both of these previous rulings, the requestors knew the names and addresses of the placard holders. Since the purpose of section 681.003(d) is to protect the privacy interests of placard holders, we determined that merely redacting the names and addresses of these particular applicants would not maintain their privacy interests. Thus, we held that the applications must be withheld in their entirety in order to protect the placard holders' privacy interests. The current request for information is limited to only the names and license numbers of the doctors. We note that the requestor specifically states that he is not requesting any information that would identify any placard holder. Thus, because the current request does not implicate the privacy interests of any individual who was issued a parking placard, it can be distinguished from our previous rulings. Consequently, we find that section 681.003(d) is inapplicable to the requested information, and it must be released to the requestor.

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, upon receiving this ruling, the governmental body

² See Open Records Letter Nos. 2005-02945 (2005), 2000-1667 (2000).

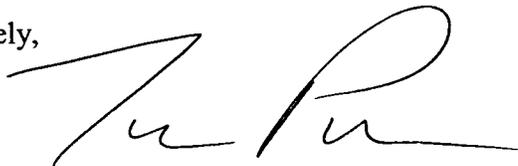
will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to 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 Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. 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,



James A. Person III
Assistant Attorney General
Open Records Division

JAP/sdk

Ref: ID# 227231

Enc. Submitted documents

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(w/o enclosures)