ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 24, 2006

Mr. Duncan Fox
Deputy General Counsel
Texas Department of Public Safety
Box 4087
Austin, Texas 78773-0001

OR2006-02912

Dear Mr. Fox:

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# 245164.

The Texas Department of Public Safety (the "department") received a request for "the names of the two parties who recently filed complaints" regarding the requestor's locksmith business. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information made confidential by other statutes. Section 1702.084 of the Occupations Code relates to public access to records of disciplinary actions "regarding a person regulated by the [Texas Commission on Private Security (the "commission").]" Occ. Code § 1702.084. Subsection 1702.084(d) provides "[t]he commission shall maintain the confidentiality of information regarding the identification of a complainant." You also explain that the commission is a part of the department. *See* Occ. Code §§ 1702.005, .021. Further, you assert that the commission "is responsible for the licensing and regulation of various companies[, including locksmiths and locksmith companies,] involved in providing private security to individuals and companies[.]" You state that the information you seek to withhold consists of the names of parties who have filed complaints with the commission against the requestor's locksmith

company. We agree that the complainants' names must be withheld under section 552.101 of the Government Code in conjunction with section 1702.084(c). We note that the requestor specifically asked only for complainant names. Accordingly, the remaining submitted information is not responsive to the instant request, and the department need not release this information 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 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 Office of the Attorney General 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. 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,

Cindy Nettles
Assistant Attorney General
Open Records Division

CN/er

Ref: ID# 245164

Enc. Submitted documents

c: Ms. Vaunda Warnasch
Liberty Automotive Locksmith
4848 Tidwell Drive
Tyler, Texas 75708
(w/o enclosures)