



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 6, 2009

Ms. Evelyn W. Njuguna
Assistant City Attorney
City of Houston
P.O. Box 368
Houston, Texas 77001-0368

OR2009-06081

Dear Ms. Njuguna:

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# 342149.

The City of Houston (the "city") received a request for information relating to the welfare and whereabouts of a certain dog. You claim that some of the requested information is excepted from disclosure under sections 552.130 and 552.137 of the Government Code.¹ We have considered the exceptions you claim and reviewed the information you submitted. We also received correspondence from the requestor. *See* Gov't Code § 552.304 (any person may submit written comments stating why information at issue in request for attorney general decision should or should not be released).

Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle operator's or driver's license or permit or a motor vehicle title or registration issued by an agency of this state. *See id.* § 552.130(a)(1)-(2). You have highlighted Texas driver's license numbers that the city seeks to withhold under section 552.130. We have marked other Texas driver's license and motor vehicle information that falls within the scope of this exception. The city must withhold the information that you have highlighted, along with the information that we have marked, under section 552.130.

Section 552.137 of the Government Code provides that "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a

¹Although the city also initially claimed section 552.108 of the Government Code, the city has since withdrawn its assertion of that exception. Accordingly, this decision does not address section 552.108.

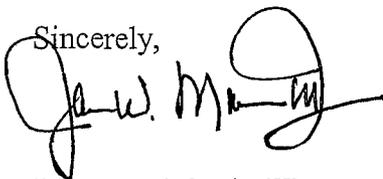
governmental body is confidential and not subject to disclosure under [the Act],” unless the owner of the e-mail address has affirmatively consented to its public disclosure. *Id.* § 552.137(a)-(b). The types of e-mail addresses listed in section 552.137(c) may not be withheld under this exception. *See id.* § 552.137(c). Likewise, section 552.137 is not applicable to an institutional e-mail address, an Internet website address, or an e-mail address that a governmental entity maintains for one of its officials or employees. You state that the owner of the personal e-mail address that you have highlighted has not consented to its public disclosure. Based on your representation, we conclude that the city must withhold the highlighted e-mail address under section 552.137.

In summary: (1) the Texas driver’s license numbers that you have highlighted and the Texas driver’s license and motor vehicle information that we have marked must be withheld under section 552.130 of the Government Code; and (2) the highlighted e-mail address must be withheld under section 552.137 of the Government Code. The rest of the submitted information must be released.

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

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/cc

Ref: ID# 342149

Enc: Submitted documents

c: Requestor
(w/o enclosures)