



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

July 1, 2009

Mr. Art Pertile, III
Olson & Olson, L.L.P.
Attorney for City of Stafford
Wortham Tower, Suite 600
2727 Allen Parkway
Houston, Texas 77019

OR2009-09092

Dear Mr. Pertile:

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# 352152 (COS-09-005).

The City of Stafford (the "city"), which you represent, received a request for information pertaining to a specified incident report. You state that the city does not have some of the requested information.¹ You state you are releasing some information to the requestor, but claim the remaining requested information is excepted from disclosure under sections 552.130 and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.130 of the Government Code excepts from disclosure "information [that] relates to . . . a motor vehicle operator's or driver's license or permit issued by an agency of this state [or] a motor vehicle title or registration issued by an agency of this state[.]" Gov't Code § 552.130. We note section 552.130 does not apply to out-of-state motor vehicle record information. Therefore, the city must withhold the Texas motor vehicle record information we have marked pursuant to section 552.130 of the Government Code.

¹The Act does not require a governmental body that receives a request for information to create information that did not exist when the request was received. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 563 at 8 (1990), 555 at 1-2 (1990).

We note you have also marked a social security number in the submitted information. Section 552.147 of the Government Code provides that “[t]he social security number of a living person is excepted from” required public disclosure under the Act. Gov’t Code § 552.147. However, you marked the requestor’s social security number, and she has a right of access to this information pursuant to section 552.023. *See id.* § 552.023. Thus, none of the remaining information may be withheld under section 552.147. As you raise no further exceptions to disclosure, the remaining submitted information must be released to this requestor.²

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,



Amy L.S. Shipp
Assistant Attorney General
Open Records Division

ALS/rl

Ref: ID# 352152

Enc. Submitted documents

cc: Requestor
(w/o enclosures)

²We note that because the requestor has a special right of access to portions of the information being released, the city must again seek a decision from this office if it receives another request for the same information from another requestor without such a right of access. *See* Gov’t Code § 552.023(a).