



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 10, 2009

Ms. Denika R. Caruthers
Assistant District Attorney
Dallas County District Attorney's Office
411 Elm Street, Suite 500
Dallas, Texas 75202-3317

OR2009-11102

Dear Ms. Caruthers:

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# 351881.

The Dallas County Tax Assessor-Collector (the "tax assessor") received two requests for (1) "any title, registration, sales and/or other documents" regarding a vehicle purchased by a named county commissioner; and (2) "any and all information" relating to tax collector hearings for vehicles that involved the named commissioner. We understand you to claim the submitted information is excepted from disclosure under sections 552.101, 552.117, 552.130, 552.136, and 552.147 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted representative sample of information.²

Initially, we note the submitted information contains a check made to the tax assessor. This information is subject to section 552.022(a)(3) of the Government Code which makes public information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body. Gov't Code § 522.022(a)(3). Such information must be released unless it is expressly confidential under other law. As

¹We note that section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office. Gov't Code § 552.147.

²We 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.

sections 552.130 and 552.136 are other law for the purposes of section 552.022(a)(3), we will consider your arguments under these exceptions for this information.

You assert that all of the submitted information is confidential under section 552.130 of the Government Code. Section 552.130 of the Government Code provides 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;

(2) a motor vehicle title or registration issued by an agency of this state;

...

Gov't Code § 552.130(a)(1), (2). The tax collector must withhold the information we have marked that relates to a Texas motor vehicle title or registration pursuant to section 552.130.³ However, we find that none of the remaining information relates to a Texas motor vehicle title or registration for the purposes of section 552.130 and it may not be withheld on this basis.

We understand you to contend that a portion of the remaining information is confidential financial information pursuant to section 552.101 of the Government Code. Section 552.101 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 the doctrine of common-law privacy, which protects information that (1) contains highly intimate or embarrassing facts the publication of which would be highly objectionable to a reasonable person and (2) is not of legitimate concern to the public. *See Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976).

This office has found that personal financial information that relates only to an individual ordinarily satisfies the first element of the common-law privacy test, but the public has a legitimate interest in the essential facts about a financial transaction between an individual and a governmental body. *See Open Records Decision Nos. 545 at 4 (1990)* (attorney general has found kinds of financial information not excepted from public disclosure by common-law privacy to generally be those regarding receipt of governmental funds or debts owed to governmental entities), 373 at 4 (1983) (determination of whether public's interest in obtaining personal financial information is sufficient to justify its disclosure must be made on case-by-case basis). We have marked the information that is highly intimate or

³As our ruling is dispositive for this information, we need not address your other arguments.

embarrassing and of no legitimate public concern in terms of common-law privacy. However, upon review, we determine that none of the remaining information may be withheld on this basis.

Some of the remaining information is subject to section 552.136 of the Government Code. Section 552.136 of the Government Code provides that “[n]otwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.” Gov’t Code § 552.136(b); *see also* § 552.136(a) (definition of “access device number” includes account numbers). The tax assessor must withhold the ABA routing numbers we have marked pursuant to section 552.136 of the Government Code.

In summary, the tax assessor must withhold the information we have marked under sections 552.101, 552.130, and 552.136 of the Government Code. The remaining 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,



Pamela Wissemann
Assistant Attorney General
Open Records Division

PFW/dls

Ref: ID# 351881

Enc. Submitted documents

c: Requestor
(w/o enclosures)