



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

August 10, 2009

Ms. YuShan Chang
Assistant City Attorney
City of Houston
P.O. Box 368
Houston, Texas 77001-0368

OR2009-11125

Dear Ms. Chang :

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# 351654.

The City of Houston (the "city") received a request for salary history, office and travel expenses, travel records, reimbursements and expenses, and correspondence to and from the city attorney's office from 1995 to 1998. You claim that portions of the submitted information are excepted from disclosure under sections 552.117, 552.130, and 552.136 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.

Initially, we note that the submitted information pertains only to travel expenses, travel records, and reimbursements and expenses. You characterize this information as a "representative sample." See Gov't Code § 552.301(e)(1)(D) (governmental body must submit, in connection with request for attorney general decision, the requested information or representative samples thereof). However, in our opinion, this information is not representative of all of the types of information requested. Please be advised that this open records letter only applies to the type of information you have submitted for our review. Therefore, this opinion 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. See *id.* § 552.302 (where request for attorney general decision does not comply with requirements of section 552.301, information at issue is presumed to be

public). To the extent information responsive to the request for salary history and correspondence to and from the city attorney's office from 1995 to 1998 existed on the date the city received this request, we assume you have released it. If you have not released this information, you must do so at this time. *See id.* §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

Section 552.117(a)(1) of the Government Code exempts from disclosure the home addresses and telephone numbers, social security numbers, and family member information of current or former officials or employees of a governmental body who request this information be kept confidential under section 552.024 of the Government Code. Gov't Code §§ 552.117(a)(1), .024. Whether a particular piece of information is protected by section 552.117 must be determined at the time the request for it is made. *See* Open Records Decision No. 530 at 5 (1989). If the employees or former employees at issue timely elected to withhold their personal information, the city must withhold the information we have marked pursuant to section 552.117(a)(1) of the Government Code. If the employees or former employees at issue did not timely elect to withhold this information, then the city may not withhold the marked information under section 552.117(a)(1).

Section 552.130 of the Government Code exempts 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. Accordingly, the city must withhold the Texas motor vehicle record information we have marked pursuant to section 552.130 of the Government Code.

Section 552.136 of the Government Code states 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." *Id.* § 552.136(b); *see id.* § 552.136(a) (defining "access device"). Accordingly, the city must withhold the information we have marked under section 552.136 of the Government Code.

In summary, if the employees at issue timely elected to withhold their personal information, the city must withhold the information we have marked pursuant to section 552.117(a)(1) of the Government Code. The city must withhold the Texas motor vehicle record information we have marked pursuant to section 552.130 of the Government Code. The city must withhold the information we have marked under section 552.136 of the Government Code. The remaining responsive 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,



Chris Schulz
Assistant Attorney General
Open Records Division

CS/cc

Ref: ID# 351654

Enc. Submitted documents

cc: Requestor
(w/o enclosures)