



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

~~September 1, 2009~~

Mr. Charles E. Zech
Denton, Navarro, Rocha & Bernal
2517 North Main Avenue
San Antonio, Texas 78212

OR2009-12355

Dear Mr. Zech:

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# 354020.

The Copperas Cove Police Department (the "department"), which you represent, received a request for specified incident reports since 1999 regarding two named individuals. You claim portions of the submitted incident report are 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.

Initially, we note the submitted incident report reflects the department investigated the incident as a suspected child abuse case. Thus, the report is generally confidential under section 552.101 of the Government Code in conjunction with section 261.201(a) of the Family Code.¹ See Fam. Code § 261.201(a). In this instance, however, the requestor is the attorney of a parent of the child victim listed in the report, and the parent is not alleged to have committed the suspected abuse. As such, the report may not be withheld from this requestor under section 261.201(a). Fam. Code § 261.201(k) (providing a child's parent can

¹The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987). Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision[.]" and encompasses information protected by other statutes. Gov't Code § 552.101.

obtain information that is subject to section 261.201(a) concerning reported abuse or neglect of the child as long as the parent is not alleged to have committed the abuse or neglect); Act of May 28, 2007, 80th Leg., R.S., ch. 263, § 12, 2007 Tex. Gen. Laws 421, 428, *amended by* Act of June 3, 2009, 81st Leg., R.S., S.B. 1182, § 13 (to be codified as an amendment of Fam. Code § 261.201). We also note section 261.201(l) provides that, notwithstanding section 261.201(k), any information that is excepted from required disclosure under the Act or other law may still be withheld from disclosure. Fam. Code § 261.201(l)(2). We will, therefore, consider your arguments against disclosure under sections 552.130 and 552.147 of the Government Code.

You seek to withhold the marked driver's license numbers in the submitted report under section 552.130 of the Government Code, which provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by a Texas agency is excepted from public release. Gov't Code § 552.130(a)(1), (2). Section 552.130, however, protects privacy interests. In this case, the marked information includes the requestor's client's Texas driver's license number. The requestor has a right of access under section 552.023 to his client's driver's license number. *Id.* § 552.023(b) (governmental body may not deny access to person or person's representative to whom information relates on grounds information is considered confidential under privacy principles). Therefore, the requestor's client's driver's license number may not be withheld under section 552.130 in this instance. The remaining marked driver's license number does not belong to the requestor's client. Thus, this information must be withheld under section 552.130 of the Government Code.

You claim the marked social security numbers in the remaining information are excepted from disclosure under section 552.147 of the Government Code. This section provides "[t]he social security number of a living person is excepted from" required public disclosure under the Act.² *Id.* § 552.147. We note the marked information includes the requestor's client's social security number, which may not be withheld in this instance. *See id.* § 552.023(a) (person or person's authorized representative has special right of access, beyond right of general public, to information held by governmental body that relates to person and is protected from public disclosure by laws intended to protect person's privacy interests). The remaining marked social security number does not belong to the requestor's client. Thus, this information may be withheld under section 552.147 of the Government Code.

In summary, the department must withhold the marked Texas driver's license number that does not pertain to the requestor's client under section 552.130 of the Government Code. The department may withhold the marked social security number that does not belong to the

²We note 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 under the Act.

requestor's client under section 552.147 of the Government Code. The remaining information must be released to this requestor.³

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, toll free, at (888) 672-6787.

Sincerely,



Leah B. Wingerson
Assistant Attorney General
Open Records Division

LBW/dls

Ref: ID# 354020

Enc. Submitted documents

c: Requestor
(w/o enclosures)

³We note the remaining information being released contains confidential information regarding the alleged child victim to which the requestor has a right of access as the legal representative of the child's parent. See Fam. Code § 261.201(k). If the department receives another request for this particular information from a different requestor, then the department should again seek a decision from this office.