



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 4, 2009

Ms. Elaine S. Hengen
Senior Assistant Attorney
City of El Paso
2 Civic Center Plaza, 9th Floor
El Paso, Texas 79901

OR2009-12533

Dear Ms. Hengen:

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# 354704.

The City of El Paso (the "city") received a request for the job application of a named city employee. You claim that portions of the submitted information are excepted from disclosure under sections 552.117, 552.130, and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.117(a)(1) of the Government Code excepts 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 that this information be kept confidential under section 552.024 of the Government Code. *See Gov't Code* § 552.117(a)(1). The submitted information contains a copy of the employee's election form, in which the employee timely elected confidentiality for her social security number, home address, telephone number, and family member information. Thus, we find the city must withhold the information we have marked under section 552.117(a)(1). The remaining information you have marked does not constitute the employee's home address or telephone number, social security number, or family member information; therefore, the city may not withhold any of the remaining information under section 552.117.¹

¹As our ruling is dispositive for this information under section 552.117(a)(1), we need not address your argument under section 552.147 of the Government Code.

You assert that a portion of the remaining information is excepted from public disclosure under section 552.130 of the Government Code. Section 552.130 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 [.]” *Id.* § 552.130(a)(1). Accordingly, the city must withhold the Texas driver's license number we have marked pursuant to section 552.130. The remaining information you have marked does not constitute motor vehicle record information, and thus may not be withheld under section 552.130.

In summary, the city must withhold the information we have marked under section 552.117(a)(1) of the Government Code. The city must withhold the Texas driver's license number we have marked under section 552.130 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,



Christina Alvarado
Assistant Attorney General
Open Records Division

CA/rl

Réf: ID# 354704

Enc. Submitted documents

cc: Requestor
(w/o enclosures)