



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

September 14, 2009

Ms. Valerie Coleman-Ferguson
Associate General Counsel
University of Houston System
311 East Cullen Building
Houston, Texas 77204-2028

OR2009-12950

Dear Ms. Coleman-Ferguson:

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# 359628.

The University of Houston (the "university") received a request for information pertaining to a specified incident. You state that you have redacted social security numbers pursuant to section 552.147 of the Government Code.¹ You claim that the submitted information is excepted from disclosure under sections 552.117 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You also assert that some of the submitted information is excepted from disclosure under section 552.117 of the Government Code. Section 552.117 excepts from required public disclosure the current and former home address, home telephone number, social security number, and the family member information of a current official or employee of a governmental body or a peace officer. Gov't Code § 552.117(a)(1), (a)(2). However, section 552.117 only applies to records that a governmental body is holding in an employment capacity. In this instance, the information you seek to withhold under section 552.117 is contained in law enforcement records and is not held by the university in

¹Section 552.147(b) 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.

an employment capacity. Accordingly, section 552.117 is not applicable to this information, and no portion of it may be withheld on this basis.

Although section 552.117 is not applicable, section 552.1175 of the Government Code may be applicable to some of this information.² This section provides in part:

(a) This section applies only to:

(1) peace officers as defined by Article 2.12, Code of Criminal Procedure;

(b) Information that relates to the home address, home telephone number, or social security number of an individual to whom this section applies, or that reveals whether the individual has family members is confidential and may not be disclosed to the public under this chapter if the individual to whom the information relates:

(1) chooses to restrict public access to the information; and

(2) notifies the governmental body of the individual's choice on a form provided by the governmental body, accompanied by evidence of the individual's status.

Gov't Code § 552.1175(a), (b). We have marked information that may be excepted under section 552.1175. To the extent the individuals whose information we have marked are peace officers and they elect to restrict access to their personal information in accordance with section 552.1175, the university must withhold the personal information we have marked under section 552.1175. *See, e.g.,* Open Records Decision No. 678 (2003). To the extent the individuals at issue do not qualify as peace officers or do not elect to keep this information confidential, it may not be withheld on this basis and must be released.

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 [or] a motor vehicle title or registration issued by an agency of this state[.]" Gov't Code § 552.130. Accordingly, the university must withhold the Texas driver's license numbers we have marked pursuant to section 552.130 of the Government Code.

²The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

In summary, to the extent the individuals whose information we have marked are peace officers and they elect to restrict access to their personal information in accordance with section 552.1175, the university must withhold the personal information we have marked under section 552.1175. The university must withhold the Texas driver's license numbers we have marked pursuant to section 552.130. 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, toll free, at (888) 672-6787.

Sincerely,



Paige Savoie
Assistant Attorney General
Open Records Division

PS/eeg

Ref: ID# 359628

Enc. Submitted documents

cc: Requestor
(w/o enclosures)