



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 22, 2009

Ms. Mariví Gambini
City Attorney's Office
City of Irving
825 West Irving Boulevard
Irving, Texas 75060

OR2009-13353

Dear Ms. Gambini:

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# 356850.

The City of Irving (the "city") received a request for a city record listing a named city employee's date of birth and a copy of that individual's city application. You state the city will withhold certain information subject to section 552.117 of the Government Code.¹ You claim a portion of the submitted information is excepted from disclosure under section 552.130 of the Government Code.² We have considered the exception you claim and reviewed the submitted information.

¹Section 552.117 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. Section 552.024 of the Government Code authorizes a governmental body to withhold information subject to section 552.117 without requesting a decision from this office if the employee or official or former employee or official chooses not to allow public access to the information. *See* Act of May 17, 1993, 73rd Leg., R.S., ch. 268, § 1, sec. 552.024, 1993 Tex. Gen. Laws 583, 599, *amended by* Act of June 3, 2009, 81st Leg., R.S., ch. 283, § 1, 2009 Tex. Sess. Law Serv. 741, 741 (Vernon) (to be codified as an amendment to Gov't Code § 552.024(c)).

²Although you raise section 552.101 of the Government Code in conjunction with section 552.130 of the Government Code, this office has concluded that section 552.101 does not encompass other exceptions found in the Act. *See* Open Records Decision Nos. 676 at 1-2 (2002), 575 at 2 (1990).

Section 552.130 of the Government Code 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. Upon review, we agree most of the information you marked is subject to section 552.130 of the Government Code. However, a portion of the information at issue does not consist of Texas motor vehicle record information and may not be withheld pursuant to this exception. Therefore, the city must only withhold the information we marked under section 552.130 of the Government Code. As you raise no further exceptions to the disclosure of the remaining information, it 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,



Matt Entsminger
Assistant Attorney General
Open Records Division

MRE/dls

Ref: ID# 356850

Enc. Submitted documents

c: Requestor
(w/o enclosures)