



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 13, 2009

Mr. Gary A. Scott
Assistant City Attorney
City of Conroe
P.O. Box 3066
Conroe, Texas 77305

OR2009-14440

Dear Mr. Scott:

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# 362671.

The City of Conroe (the "city") received a request for the name and driver's license number of the homeowner or person responsible for certain dogs and photographs of the dogs. You state that the city has released some information to the requestor. You claim that portions of the submitted information are excepted from disclosure under section 552.130 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note that most of the submitted information is not responsive to the instant request for information because it does not consist of the requested name, driver's license number, or photographs. This ruling does not address the public availability of any information that is not responsive to the request, and the city is not required to release that information in response to the request.¹

Section 552.130 of the Government Code excepts from public disclosure information that relates to a motor vehicle operator's or driver's license or permit issued by an agency of this

¹As our determination that most of the submitted information is not responsive is dispositive, we need not address your argument against the disclosure of the submitted license plate numbers.

state. Gov't Code § 552.130(a)(1). Section 552.130 does not apply to out of state motor vehicle record information. In this instance, we are unable to determine if the driver's license number we have marked in the responsive information was issued by the State of Texas. To the extent the driver's license number was issued by the State of Texas, the city must withhold it under section 552.130 of the Government Code. If it was not issued by the State of Texas, it must be released. As no further exceptions are raised, 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, toll free, at (888) 672-6787.

Sincerely,



Laura Ream Lemus
Assistant Attorney General
Open Records Division

LRL/jb

Ref: ID# 362671

Enc. Submitted documents

c: Requestor
(w/o enclosures)