



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 14, 2009

Ms. Yvette Aguilar
Assistant City Attorney
City of Corpus Christi
321 John Sartain
Corpus Christi, Texas 78401

OR2009-14539

Dear Ms. Aguilar:

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# 358265.

The Corpus Christi Police Department (the "department") received a request for information involving two named individuals. You inform us that some of the requested information has been released. You claim that the rest of the requested information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code.¹ We have considered the exceptions you claim and reviewed the information you submitted.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. You raise section 552.101 in conjunction with the doctrine of common-law privacy, which protects information if it contains highly intimate or embarrassing facts, the publication of which would be highly objectionable to a reasonable person, and is not of legitimate concern to the public. *See Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy,

¹Although the department does not specifically raise section 552.130, you have marked information you seek to withhold under that exception. Accordingly, we will address section 552.130, which is a mandatory exception that may not be waived. *See Gov't Code §§ 552.007, .352; Open Records Decision No. 674 at 3 n.4 (2001) (mandatory exceptions)*

both elements of the test must be established. *Id.* at 681-82. A compilation of an individual's criminal history is highly embarrassing information, the publication of which would be highly objectionable to a reasonable person. *Cf. United States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 764 (1989) (when considering prong regarding individual's privacy interest, court recognized distinction between public records found in courthouse files and local police stations and compiled summary of information and noted that individual has significant privacy interest in compilation of one's criminal history). Furthermore, we find that a compilation of a private citizen's criminal history is generally not of legitimate concern to the public.

The instant request is for unspecified law enforcement records involving the two named individuals. Thus, this request requires the department to compile the named individuals' criminal histories and thereby implicates their privacy interests. In this instance, however, the requestor may be an authorized representative of one of the named individuals. As such, the requestor would have a right of access to any information that would implicate the privacy interests of the individual whom the requestor represents. *See Gov't Code § 552.023(a)*; Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individuals request information concerning themselves). Thus, if the requestor is an authorized representative of one of the named individuals, then any responsive information relating to that individual may not be withheld from the requestor on privacy grounds and must be released. If the requestor is not an authorized representative of either of the named individuals, then any information maintained by the department that depicts either of the named individuals as a suspect, arrested person, or criminal defendant must be withheld from the requestor under section 552.101 in conjunction with common-law privacy.

Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle title or registration issued by an agency of this state. *See Gov't Code § 552.130(a)(2)*. We agree that the Texas license plate number that appears in the submitted documents must be withheld from the public under section 552.130. We note, however, that this exception protects personal privacy. Therefore, the requestor has a right of access to the license plate number if he is an authorized representative of the owner of the vehicle to which it pertains. *See id.* § 552.023(a); ORD 481 at 4.

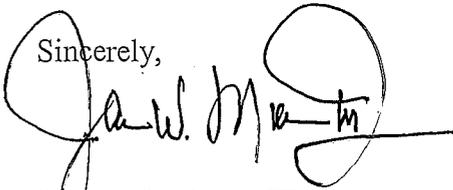
In summary: (1) any information maintained by the department that depicts either of the named individuals as a suspect, arrested person, or criminal defendant must be withheld under section 552.101 of the Government Code in conjunction with common-law privacy, unless the requestor is an authorized representative of the individual whose privacy interests are implicated; and (2) the department must withhold the Texas license plate number under

section 552.130 of the Government Code unless the requestor is an authorized representative of the owner of the vehicle to which it pertains.²

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,

A handwritten signature in black ink, appearing to read "James W. Morris, III". The signature is stylized with a large, circular flourish at the end.

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/cc

Ref: ID# 358265

Enc: Submitted documents

c: Requestor
(w/o enclosures)

²We note that the submitted information contains a social security number. 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. The requestor has a right, however, to the social security number of any individual he represents. *See generally* Gov't Code § 552.023(b) (governmental body may not deny access to person to whom information relates, or that person's representative, solely on grounds that information is considered confidential by privacy principles).