



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 9, 2009

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

OR2009-17385

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# 363707.

The City of Irving (the "city") received two requests from the same requestor for city records that list all of the street sweepers, including a specific model, in service and use for two streets in August 2009. You claim that a portion of the submitted information is excepted from disclosure under section 552.130 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

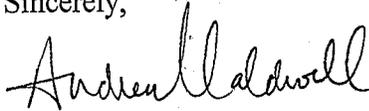
Initially, we note, and you acknowledge, that the city did not comply with its ten-business-day deadline under section 552.301(b) of the Government Code in requesting this decision. *See* Gov't Code § 552.301(a)-(b). Under section 552.302 of the Government Code, the submitted information is therefore presumed to be public and must be released, unless there is a compelling reason to withhold the information from disclosure. *See id.* § 552.302; *City of Dallas v. Abbott*, 279 S.W.3d 806, 811 (Tex. App.—Amarillo 2007, pet. granted); *Simmons v. Kuzmich*, 166 S.W.3d 342, 350 (Tex. App.—Forth Worth 2005, no pet.); *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381-81 (Tex. App.—Austin 1990, no writ). The presumption that information is public under section 552.302 can generally be overcome by demonstrating that the information is confidential by law or third-party interests are at stake. *See* Open Records Decision Nos. 630 at 3 (1994), 325 at 2 (1982). Because your claim under section 552.130 of the Government Code can provide a compelling reason for non-disclosure, we will consider your argument.

Section 552.130 excepts from public disclosure information that relates to a Texas motor vehicle operator's or driver's license or permit or Texas motor vehicle title or registration. Gov't Code § 552.130(a)(1), (2). Upon review, the city must withhold the license plate numbers we have marked under section 552.130 of the Government Code. However, you have failed to explain how the serial numbers you have marked constitute information that relates to a Texas motor vehicle title or registration. Accordingly, the city may not withhold the serial numbers under section 552.130 of the Government Code, and they 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](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,



Andrea L. Caldwell  
Assistant Attorney General  
Open Records Division

ALC/eeg

Ref: ID# 363707

Enc. Submitted documents

c: Requestor  
(w/o enclosures)