



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 14, 2009

Ms. Lisa Calem-Lindstrom
Public Information Coordinator
Texas Facilities Commission
1711 San Jacinto Boulevard
Austin, Texas 78701

OR2009-17645

Dear Ms. Calem-Lindstrom:

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# 369336.

The Texas Facilities Commission (the "commission") received a request for information relating to an employee of the commission. You inform us that the employee's home address, home telephone number, and social security number will be withheld pursuant to sections 552.024 and 552.147 of the Government Code.¹ You claim that other responsive information is excepted from disclosure under sections 552.130 and 552.137 of the Government Code. We have considered the exceptions you claim and reviewed the information you submitted.

Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle operator's or driver's license or permit issued by an agency of this state. *See* Gov't Code § 552.130(a)(1). We agree that the commission must withhold the Texas driver's license number you have marked under section 552.130. The additional Texas driver's license information we have marked also must be withheld under this exception.

¹Section 552.024(c) authorizes a governmental body to withhold information relating to a current or former official or employee of the governmental body that is subject to section 552.117 of the Government Code without requesting a decision by this office, if the official or employee chooses not to allow public access to the information. Section 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.

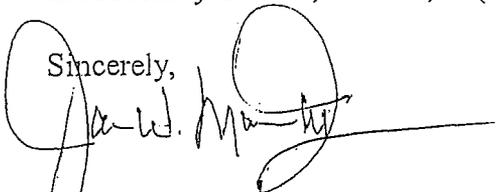
Section 552.137 of the Government Code provides that an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body is confidential and not subject to disclosure under [the Act], unless the owner of the e-mail address has affirmatively consented to its public disclosure or the e-mail address falls within the scope of section 552.137(c). *Id.* § 552.137(a)-(c). You state that the employee concerned has not consented to the disclosure of her personal e-mail address and that her e-mail address does not fall within the scope of section 552.137(c). Based on your representations, we agree that the commission must withhold the employee's e-mail address, which you have marked, under section 552.137.

In summary: (1) the Texas driver's license number that you have marked and the additional Texas driver's license information we have marked must be withheld under section 552.130 of the Government Code; and (2) the e-mail address you have marked must be withheld under section 552.137 of the Government Code. The rest of the information at issue 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,



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

JWM/cc

Ref: ID# 369336

Enc: Submitted documents

c: Requestor
(w/o enclosures)