



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 22, 2009

Mr. Gregory A. Alicie
Open Records Specialist
Baytown Police Department
3200 North Main Street
Baytown, Texas 77521

OR2009-18160

Dear Mr. Alicie:

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# 370035.

The Baytown Police Department (the "department") received a request for a specified incident report. You claim that portions of the submitted information are excepted from disclosure under sections 552.130, 552.136, 552.137, and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You assert that the information you have marked in pink is excepted from disclosure under section 552.130 of the Government Code, which provides that information relating to a motor vehicle operator's license or driver's license issued by a Texas agency is excepted from public release. Gov't Code § 552.130(a)(1). However, the submitted documents reveal that the driver's license number you have marked in pink is fictitious. Accordingly, you may not withhold this information under section 552.130 of the Government Code.

You claim that the bank account number you have marked in purple is excepted from disclosure under section 552.136 of the Government Code. Section 552.136(b) provides that "[n]otwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential." *Id.* § 552.136. However, the bank account at issue belongs to the requestor. Section 552.136 protects privacy interests; thus, the requestor has a right of access

to her bank account number under section 552.023 of the Government Code. *See id.* § 552.023 (person or person's authorized representative has special right of access to information that is excepted from public disclosure under laws intended to protect person's privacy interest as subject of the information); *see also* Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when person asks governmental body for information concerning himself). Accordingly, the department may not withhold the information marked in purple under section 552.136.

You claim the e-mail address you have marked in yellow is subject to section 552.137 of the Government Code, which excepts from disclosure "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body," unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). *See* Gov't Code § 552.137(a)-(c). The e-mail address at issue does not appear to be of a type specifically excluded by section 552.137(c). We are unable to determine whether the e-mail address that you have marked belongs to the requestor. Since section 552.137 protects privacy interests, the department may not withhold the requestor's e-mail address under this exception. *See id.* § 552.023. Thus, if the e-mail address marked in yellow belongs to the requestor, it must be released; alternately, if the e-mail address does not belong to the requestor it must be withheld under section 552.137 of the Government Code, unless the department receives consent for its disclosure.

Finally, you claim the portions of the remaining information you have marked in green constitute social security numbers for purposes of section 552.147 of the Government Code, which provides that "[t]he social security number of a living person is excepted from" required public disclosure under the Act.¹ *Id.* § 552.147. Accordingly, the department may withhold the information you have marked in green pursuant to section 552.147 of the Government Code.

In summary, if the e-mail address marked in yellow belongs to the requestor, it must be released; alternately, if the e-mail address does not belong to the requestor it must be withheld under section 552.137 of the Government Code, unless the department receives consent for its disclosure. The department may withhold the information you have marked in green under section 552.147 of the Government Code. The remaining information must be released.²

¹ 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.

²In this instance, the requestor has a special right of access to some of the information being released. If the department receives another request for this same information from an individual who does not have a right of access to the information, the department should resubmit the information to us and request another ruling. *See* Gov't Code §§ 552.301, .302; Open Records Decision No. 673 (2001).

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,



Tamara H. Holland
Assistant Attorney General
Open Records Division

THH/sdk

Ref: ID# 370035

Enc. Submitted documents

c: Requestor
(w/o enclosures)