



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 20, 2010

Ms. Kristen L. Choi
Assistant City Attorney
City of El Paso
2 Civic Center Plaza, 9th Floor
El Paso, Texas 79901

OR2010-05646

Dear Ms. Choi:

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# 376542.

The City of El Paso (the "city") received a request for all library records pertaining to individuals with a specified last name. You claim that the submitted information is excepted from disclosure under section 552.124 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.124 of the Government Code provides in relevant part:

(a) A record of a library or library system, supported in whole or in part by public funds, that identifies or serves to identify a person who requested, obtained, or used a library material or service is excepted from [disclosure] unless the record is disclosed:

....
(2) Under [s]ection 552.023[.]
....

(b) A record of a library system that is excepted from required disclosure under this section is confidential.

Gov't Code § 552.124(a)(2), (b). *See also* Open Records Decision No. 100 at 3 (1975) (identifying information or library patrons in connection with object of their attentions is confidential by constitutional law). You state the submitted information is confidential in its entirety under section 552.124. We note, however, that only the names, addresses, and other information specifically identifying library patrons may be withheld under section 552.124. *See* Open Records Decision No. 649 at 3 (1996) (confidentiality provisions strictly construed). Further, section 552.023(a) of the Government Code provides, “[a] person or a person’s authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person’s privacy interests.” Gov’t Code § 552.023(a). In this instance, it appears the submitted information contains the requestor’s own personal information, to which she has a right of access. *See* Gov’t Code § 552.023(a), 552.124(a)(2). Therefore, the city must withhold only the identifying information we have marked under section 552.124 of the Government Code. The remaining information, which either does not identify library patrons or consists of the requestor’s identifying information, must be released.¹

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 McGuire
Assistant Attorney General
Open Records Division

JM/cc

¹ We note that the submitted information contains information to which the requestor has a personal right of access. Accordingly, if the city receives another request for this particular information from a different requestor, then the city should again seek a decision from this office.

Ref: ID# 376542

Enc. Submitted documents

c: Requestor
(w/o enclosures)