



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 19, 2013

Ms. Lillian Guillen Graham
Assistant City Attorney
City of Mesquite
P.O. Box 850137
Mesquite, Texas 75185-0137

OR2013-06399

Dear Ms. Graham:

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# 484540.

The Mesquite Police Department (the "department") received a request for all information related to a specified address within a specified time period. You state the department will release some responsive information to the requestor. You state the department will redact Texas license plate numbers under section 552.130 pursuant to Open Records Decision No. 684 (2009).¹ You also state the department will redact some information pursuant to Open Records Letter No. 2012-06459 (2012).² You claim some of remaining 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.

You state you will redact information under section 552.101 of the Government Code in conjunction with common-law privacy pursuant to Open Records Letter No. 2012-01375

¹Open Records Decision No. 684 (2009) is a previous determination to all governmental bodies authorizing them to withhold certain information, including a Texas license plate number under section 552.130(a)(2) of the Government Code, without the necessity of requesting an attorney general decision.

²Open Records Letter No. 2012-06459 is a previous determination issued to the department authorizing the department to withhold, without requesting a decision from this office, information in a call sheet that reveals the price of a motor vehicle under section 552.101 of the Government Code in conjunction with common-law privacy.

(2012). Open Records Letter No. 2012-01375 is a previous determination issued to the department authorizing the department to withhold, without requesting a decision from this office, information in a call sheet that reveals the existence of a motor vehicle lien under section 552.101 of the Government Code in conjunction with common-law privacy. However, Open Records Letter No. 2012-01375 also states the previous determination is not applicable to lien information pertaining to corporate and other business entities. *See* Open Records Decision Nos. 620 (1993) (corporation has no right to privacy), 192 (1978) (right to privacy is designed primarily to protect human feelings and sensibilities, rather than property, business, or other pecuniary interests); *see also United States v. Morton Salt Co.*, 338 U.S. 632, 652 (1950) (cited in *Rosen v. Matthews Constr. Co.*, 777 S.W.2d 434 (Tex. App.—Houston [14th Dist.] 1989), *rev'd on other grounds*, 796 S.W.2d 692 (Tex. 1990)) (corporation has no right to privacy). We note a portion of the information you marked consists of lien information pertaining to a business entity. Accordingly, Open Records Letter No. 2012-01375 is not applicable to this information, which we have marked for release, and the department may not rely on Open Records Letter No. 2012-01375 with regard to this information.

Section 552.130 of the Government Code provides information relating to a motor vehicle title or registration issued by an agency of this state or another state or country is excepted from public release. Gov't Code § 552.130(a)(2). Upon review, we find the department must withhold the motor vehicle record information we have marked under section 552.130. However, you have failed to demonstrate the remaining information you have marked is subject to section 552.130. Thus, the remaining information you have marked may not be withheld under section 552.130 of the Government Code.

In summary, the department must withhold the information we have marked under section 552.130 of the Government Code. The remaining information must be released.

You also ask this office to issue a previous determination that would permit the department to withhold information pertaining to a motor vehicle registration under section 552.130(a)(2) of the Government Code, contained in call sheets, without the necessity of requesting a decision under section 552.301 of the Government Code. *See id.* § 552.301(a); Open Records Decision No. 673 (2001) (previous determinations). Having considered your request, we decline to issue such a previous determination at this time. Accordingly, 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,

A handwritten signature in black ink, appearing to read "D. Wheelus", with a long horizontal flourish extending to the right.

David L. Wheelus
Assistant Attorney General
Open Records Division

DLW/dls

Ref: ID# 484540

Enc. Submitted documents

c: Requestor
(w/o enclosures)