



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 19, 2013

Ms. Molly Cost  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR2013-06421

Dear Ms. Cost:

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# 488060 (DPS PIR #13-0890).

The Texas Department of Public Safety (the "department") received a request for four categories of documents pertaining to a criminal investigation involving three named individuals, and the date a named ranger departed from the department. You state the department has released some of the requested information with redactions pursuant to section 552.130 and 552.147(b) of the Government Code and Open Records Decision No. 684 (2009).<sup>1</sup> You claim portions of the submitted information are excepted from

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<sup>1</sup>Section 552.130(c) of the Government Code authorizes governmental bodies to redact the information described in subsections 552.130(a)(1) and 552.130(a)(3) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e). 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 an attorney general decision under the Act. *See id.* § 552.147(b). Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold certain categories of information, including Texas license plate numbers subject to section 552.130(a)(2) of the Government Code, without the necessity of requesting an attorney general decision.

disclosure under sections 552.101, 552.130, 552.147 of the Government Code.<sup>2</sup> We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. This section encompasses information protected by other statutes, such as section 1703.306 of the Occupations Code, which provides:

(a) A polygraph examiner, trainee, or employee of a polygraph examiner, or a person for whom a polygraph examination is conducted or an employee of the person, may not disclose information acquired from a polygraph examination to another person other than:

- (1) the examinee or any other person specifically designated in writing by the examinee;
- (2) the person that requested the examination;
- (3) a member, or the member’s agent, of a governmental agency that licenses a polygraph examiner or supervises or controls a polygraph examiner’s activities;
- (4) another polygraph examiner in private consultation; or
- (5) any other person required by due process of law.

(b) The [Texas Department of Licensing and Regulation] or any other governmental agency that acquires information from a polygraph examination under this section shall maintain the confidentiality of the information.

(c) A polygraph examiner to whom information acquired from a polygraph examination is disclosed under Subsection (a)(4) may not disclose the information except as provided by this section.

Occ. Code § 1703.306. Upon review, we find that the information you have marked constitutes information that was acquired from a polygraph examination and is, therefore, within the scope of section 1703.306. Additionally, questions 5(a)-5(c) of the submitted information, which we have marked, are also within the scope of section 1703.306. It does not appear the requestor falls into any of the categories of individuals who are authorized to receive the polygraph information under section 1703.306(a). Accordingly, the department must withhold the polygraph information you marked, as well as questions 5(a)-5(c) which

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<sup>2</sup>Although you do not raise section 552.130 or section 552.147 of the Government Code in your brief, we understand you to argue these exceptions based on your markings in the submitted information.

we have marked, under section 552.101 of the Government Code in conjunction with section 1703.306 of the Occupations Code.

Section 552.130(a)(1) of the Government Code provides that information relating to a motor vehicle operator's or driver's license or permit issued by any agency of this state or another state or country is excepted from public release. *See* Gov't Code § 552.130(a)(1). The department must withhold the driver's license information you have marked under section 552.130(a)(1) of the Government Code.

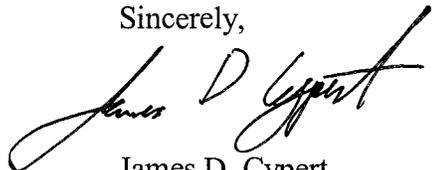
Section 552.147 of the Government Code provides that "[t]he social security number of a living person is excepted from" required public disclosure. *See id.* § 552.147. The department may withhold the social security number you have marked under section 552.147 of the Government Code.

In summary, the department must withhold the information you have marked, as well as questions 5(a)-5(c) which we have marked, under section 552.101 of the Government Code in conjunction with section 1703.306 of the Occupations Code. The department must withhold the driver's license information you have marked under section 552.130(a)(1) of the Government Code. The department may withhold the social security number you have marked under section 552.147 of the Government Code. The department must release the remaining information.

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,



James D. Cypert  
Assistant Attorney General  
Open Records Division

JDC/ac

Ref: ID# 488060

Enc. Submitted documents

c: Requestor  
(w/o enclosures)