



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 12, 2015

Mr. David V. Overcash
Counsel for the City of Princeton
Wolfe, Tidwell, & McCoy, L.L.P.
2591 Dallas Parkway, Suite 205
Frisco, Texas 75034

OR2015-09231

Dear Mr. Overcash:

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# 563347 (City File No. C14004PIR20150219-01).

The City of Princeton (the "city"), which you represent, received a request for five categories of information related to the requestor, a named individual, and communications between the city and the Internal Revenue Service during a specified period of time. You state the city has released some information to the requestor. You claim the submitted information is excepted from disclosure under sections 552.117 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note you have only submitted information related to the first four categories of requested information. You have not submitted information responsive to the fifth category of the request, which is for communications between the city and the Internal Revenue Service for a specified period of time. We assume, to the extent any information responsive to the fifth category of information existed on the date the city received the request, the city has released it. If the city has not released any such information, it must do so at this time. *See Gov't Code §§ 552.006, .301, .302; see also Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).*

We note the submitted information contains the requestor's I-9 form. Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."¹ Gov't Code § 552.101. Section 552.101 encompasses section 1324a of title 8 of the United States Code, which provides that an Employment Eligibility Verification Form I-9 "may not be used for purposes other than for enforcement of this chapter" and for enforcement of other federal statutes governing crime and criminal investigations. *See* 8 U.S.C. § 1324a(b)(5); *see also* 8 C.F.R. § 274a.2(b)(4). The release of the submitted I-9 form in response to this request for information would be "for purposes other than for enforcement" of the referenced federal statutes. Accordingly, the I-9 form is excepted from disclosure under section 552.101 of the Government Code in conjunction with section 1324a of title 8 of the United States Code and may be released only for purposes of compliance with the federal laws and regulations governing the employment verification system.

Section 552.117(a)(1) of the Government Code excepts from disclosure the home address and telephone number, emergency contact information, social security number, and family member information of a current or former employee or official of a governmental body who requests this information be kept confidential under section 552.024 of the Government Code. *See* Gov't Code § 552.117(a)(1). You inform us, and provide documentation demonstrating, the employee at issue made a request for confidentiality under section 552.024 prior to the date of the city's receipt of the request for the information. Therefore, the city must withhold the information you have marked, and we have marked, under section 552.117(a)(1) of the Government Code.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release. *See id.* § 552.130(a). The city must withhold the motor vehicle record information you have marked under section 552.130 of the Government Code.

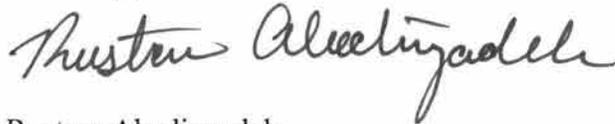
In summary, the city must withhold the I-9 form under section 552.101 of the Government Code in conjunction with section 1324a of title 8 of the United States Code. The city must withhold the information you have marked, and we have marked, under section 552.117(a)(1) of the Government Code. The city must withhold the information you have marked under section 552.130 of the Government. The city 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.

¹The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in cursive script that reads "Rustam Abedinzadeh".

Rustam Abedinzadeh
Assistant Attorney General
Open Records Division

RA/eb

Ref: ID# 563347

Enc. Submitted documents

c: Requestor
(w/o enclosures)