



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 30, 2015

Ms. Laurie B. Hobbs
Assistant General Counsel
Office of Consumer Credit Commissioner
2601 North Lamar Boulevard
Austin, Texas 78705

OR2015-13034

Dear Ms. Hobbs:

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# 569289 (OCCC File No. OR-15-180).

The Office of Consumer Credit Commissioner (the "OCCC") received a request for all information related to a specified complaint made by the requestor. The OCCC states it will release some information to the requestor. The OCCC informs us it will redact personal e-mail addresses under section 552.137 of the Government Code pursuant to Open Records Decision No. 684 (2009).¹ The OCCC claims some of the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses the doctrine of common-law privacy, which protects information that is (1) highly intimate or embarrassing, the publication of which would be

¹Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold specified categories of information, including an e-mail address of a member of the public under section 552.137 of the Government Code, without the necessity of requesting an attorney general decision.

highly objectionable to a reasonable person, and (2) not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. *Id.* at 681-82. Types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation*. *Id.* at 683. The OCCC seeks to withhold portions of the submitted information under section 552.101 of the Government Code in conjunction with common-law privacy. However, we note the submitted documentation reflects the requestor is the authorized representative of the individual whose information is at interest in the submitted information. Accordingly, the requestor has a right of access to such information pursuant to section 552.023 of the Government Code. *See Gov't Code* § 552.023(a) (“person’s authorized representative has special right of access, beyond right of general public, to information held by governmental body that relates to person and that is protected from public disclosure by laws intended to protect that person’s privacy interests”); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning herself). Furthermore, we find no portion of the remaining information is highly intimate or embarrassing and of no legitimate public concern. Consequently, the OCCC may not withhold any portion of the submitted information under section 552.101 of the Government Code in conjunction with common-law privacy.

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 Gov’t Code* § 552.130(a). However, section 552.130 is intended to protect personal privacy. Thus, the requestor has a right of access to his own motor vehicle record information pursuant to section 552.023 of the Government Code, and the OCCC may not withhold such information from him under section 552.130 of the Government Code. *See id.* § 552.023(a); ORD 481 at 4. As you raise no further exceptions to disclosure, the submitted information must be released.²

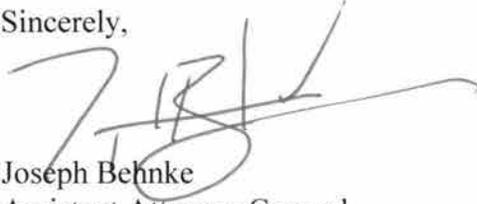
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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.texasattorneygeneral.gov/open/>

²We note the requestor has a right of access to some of the information being released in this instance. *See Gov’t Code* § 552.023(a); ORD 481 at 4. Thus, if the OCCC receives another request for this information from a different requestor, the OCCC must seek another ruling from this office.

[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 black ink, appearing to read 'JB', with a long horizontal flourish extending to the right.

Joseph Behnke
Assistant Attorney General
Open Records Division

JB/som

Ref: ID# 569289

Enc. Submitted documents

c: Requestor
(w/o enclosures)