



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 29, 2016

Ms. Kristen N. Lee
Assistant County Attorney
County of Harris
1019 Congress, 15th Floor
Houston, Texas 77002

OR2016-04756

Dear Ms. Lee:

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# 600108 (C.A. File No. 15PIA0482).

The Harris County Tax Assessor-Collector (the "county") received a request for information pertaining to a named individual's disabled parking placard or plates.¹ You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code.² We have considered the exception 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. Section 552.101 encompasses information other statutes make confidential.

¹We note the county received clarification of the information requested. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding when governmental entity, acting in good faith, requests clarification of unclear or overbroad request for public information, ten-business-day period to request attorney general opinion is measured from date request is clarified or narrowed).

²We note, and you acknowledge, the county failed to comply with the procedural requirements of section 552.301 of the Government Code in requesting a decision from this office. *See* Gov't Code § 552.301(b). Nonetheless, because section 552.101 of the Government Code is a mandatory exception that can provide a compelling reason to overcome the presumption of openness, we will consider the applicability of this section to the submitted information. *See id.* §§ 552.007, .302, .352.

Section 681.003 of the Transportation Code establishes the procedures by which an individual may obtain a disabled parking "placard." Section 681.003(d) specifically provides

Information concerning the name or address of a person to whom a disabled parking placard is issued or in whose behalf a disabled parking placard is issued is confidential and not subject to disclosure under [the Act].

Transp. Code § 681.003(d). Section 681.003(d) specifically makes confidential only the name and address of a person who was issued a disabled parking placard. We believe, however, that the purpose of section 681.003(d) is to protect the privacy interests of those individuals who are issued disabled parking placards. In this instance, the mere redaction of the subject individual's name and address from the information at issue would not serve the purpose of the statute. Accordingly, we conclude the county must withhold the submitted information in its entirety under section 552.101 of the Government Code in conjunction with section 681.003(d) of the Transportation Code. As our ruling is dispositive, we need not address your remaining arguments against disclosure.

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/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,



Thana Hussaini
Assistant Attorney General
Open Records Division

TH/som

Ref: ID#600108

Enc. Submitted documents

c: Requestor
(w/o enclosures)