



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 15, 2016

Ms. Crystal Koonce  
Open Records  
Williamson County Sheriff's Office  
508 South Rock Street  
Georgetown, Texas 78626

OR2016-08509

Dear Ms. Koonce:

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# 605810.

The Williamson County Sheriff's Office (the "sheriff's office") received three requests from one requestor for specified incident reports and CAD events occurring at specified locations. You state some of the submitted information is not subject to the Act. You also claim the submitted information is excepted from disclosure under sections 552.101, 552.103, 552.108, 552.1175, 552.130, 552.136, and 552.152 of the Government Code.<sup>1</sup> We have considered your arguments and reviewed the submitted information.

Initially, you contend a gate code to a private residence is not subject to the Act. The Act is applicable only to "public information." Gov't Code §§ 552.002, .021. Section 552.002(a) defines "public information" as

information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

(1) by a governmental body;

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<sup>1</sup>Although the sheriff's office does not raise section 552.1175 of the Government Code in its brief, we understand it to raise this exception based on its markings.

(2) for a governmental body and the governmental body:

(A) owns the information;

(B) has a right of access to the information; or

(C) spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or

(3) by an individual officer or employee of a governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body.

*Id.* § 552.002(a). In Open Records Decision No. 581 (1990), this office determined that certain computer information such as source codes, documentation information and other computer programming, that has no significance other than its use as a tool for the maintenance, manipulation, or protection of public property, is not the kind of information made public under section 552.021 of the Government Code. *See* ORD 581 at 6 (construing predecessor to Act). You assert the gate code at issue is solely used for the purpose of maintenance, manipulation, or protection of public property and has no other significance. However, we note the gate code at issue was collected by the sheriff's office in the course of a criminal investigation. Therefore, we find the information at issue was written, produced, collected, assembled, or maintained in connection with the transaction of official sheriff's office business. Thus, this information is subject to the Act and the sheriff's office must release it unless it demonstrates the information falls within an exception to public disclosure under the Act. *See* Gov't Code §§ 552.006, .021, .301, .302.

You raise section 552.101 in conjunction with section 550.065 of the Transportation Code for the information you have marked. Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." *Id.* § 552.101. Section 552.101 encompasses information subject to chapter 550 of the Transportation Code. Section 550.065 applies only to a written report of an accident required under section 550.061, 550.062, or 601.004. Transp. Code § 550.065(a)(1). Chapter 550 requires the creation of a written report when the accident resulted in injury to or the death of a person or damage to the property of any person to the apparent extent of \$1,000 or more. *Id.* §§ 550.061 (operator's accident report), .062 (officer's accident report). An accident report is privileged and for the confidential use of the Texas Department of Transportation or a local governmental agency of Texas that has use for the information for accident prevention purposes. *Id.* § 550.065(b). However, a governmental entity may release an accident report in accordance with subsections (c) and (c-1). *Id.* § 550.065(c), (c-1)). Section 550.065(c) provides a governmental entity shall release an accident report to a person or entity listed under this subsection. *Id.* § 550.065(c).

In this instance, the requestor is not a person listed under section 550.065(c). Thus, the submitted accident reports are confidential under section 550.065(b), and the sheriff's office must withhold them under section 552.101 of the Government Code.<sup>2</sup> However, section 550.065(c-1) requires the sheriff's office to create a redacted accident report that may be requested by any person. *Id.* § 550.065(c-1). The redacted accident reports may not include the information listed in subsection (f)(2). *Id.* Therefore, the requestor has a right of access to the redacted accident reports. Although the sheriff's office asserts sections 552.103 and 552.108 to withhold this information, a statutory right of access prevails over the Act's general exceptions to public disclosure. *See, e.g.,* Open Records Decision Nos. 613 at 4 (1993) (exceptions in Act cannot impinge on statutory right of access to information), 451 (1986) (specific statutory right of access provisions overcome general exception to disclosure under the Act). Because sections 552.103 and 552.108 are general exceptions under the Act, the requestor's statutory access under section 550.065(c-1) prevails and the sheriff's office may not withhold the information at issue under section 552.103 or section 552.108. Thus, the sheriff's office must release the redacted accident reports to the requestor pursuant to section 550.065(c-1). However, we find the remaining information you have marked does not consist of accident reports; thus, the sheriff's office may not withhold any of the remaining information under section 552.101 of the Government Code in conjunction with section 550.065(b) of the Transportation Code.

Section 552.101 of the Government Code also encompasses section 261.201 of the Family Code, which provides, in part, as follows:

(a) [T]he following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

- (1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and
- (2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

Fam. Code § 261.201(a). The sheriff's office asserts some of the submitted information was used or developed in investigations of alleged or suspected child abuse. *See id.* §§ 261.001 (defining "abuse" for purposes of chapter 261 of the Family Code), 101.003(a) (defining "child" for purposes of chapter 261 of the Family Code). Upon review, we find most of the information the sheriff's office has marked, and the additional information we marked, are

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<sup>2</sup>As our ruling is dispositive, we need not address your remaining arguments against disclosure of the submitted information.

subject to chapter 261 of the Family Code. However, you have failed to demonstrate the remaining information at issue was used or developed in an investigation of alleged or suspected child abuse. Accordingly, the sheriff's office may not withhold any of the remaining information, which we marked for release, under section 552.101 on that basis. We have no indication the sheriff's office has adopted a rule that governs the release of this type of information. Therefore, we assume no such regulation exists. Given that assumption, we conclude, except for the information we have marked for release, the sheriff's office must withhold the information you marked, and the additional information we marked, under section 552.101 of the Government Code in conjunction with section 261.201 of the Family Code. *See* Open Records Decision No. 440 at 2 (1986) (predecessor statute).<sup>3</sup>

Next, we note some of the remaining submitted information is subject to section 552.022 of the Government Code. Section 552.022(a) provides, in relevant part, the following:

(a) [T]he following categories of information are public information and not excepted from required disclosure unless made confidential under this chapter or other law:

(1) a completed report, audit, evaluation, or investigation made of, for, or by a governmental body, except as provided by Section 552.108[.]

Gov't Code § 552.022(a)(1). You inform us some of the submitted information, including case numbers 2012-03-00567 and 2012-0401092, pertains to completed criminal investigations. Further, we note some of the remaining information, including case number C11-02-00353, pertains to criminal investigations for which the statute of limitations for the underlying criminal offense has run, and thus, these criminal investigations are also completed. The sheriff's office must release the submitted information pertaining to completed investigations pursuant to section 552.022(a)(1) unless the information is excepted from disclosure under section 552.108 of the Government Code or made confidential under the Act or other law. *See id.* You seek to withhold all of the remaining information under section 552.103 of the Government Code. However, section 552.103 is a discretionary exception to disclosure that protects the governmental body's interests and may be waived. *See Dallas Area Rapid Transit v. Dallas Morning News*, 4 S.W.3d 469, 475-76 (Tex. App.—Dallas 1999, no pet.) (governmental body may waive section 552.103); *see also* Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally), 663 at 5 (1999) (waiver of discretionary exceptions). Therefore, to the extent the remaining information pertains to concluded investigations, including those investigations for which the statute of limitations for the underlying criminal offense has run, this information is subject to section 552.022(a)(1) and may not be withheld

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<sup>3</sup>As our ruling is dispositive, we need not address your remaining arguments against disclosure of the submitted information.

under section 552.103 of the Government Code. However, as information subject to section 552.022(a)(1) may be withheld under section 552.108 of the Government Code, we will consider your arguments under section 552.108 for the information at issue. Further, because sections 552.101, 552.1175, 552.130, 552.136, and 552.152 of the Government Code make information confidential under the Act, we will consider the applicability of these sections to the submitted information.

Next, we address your argument under section 552.103 of the Government Code for the remaining information not subject to section 552.022(a)(1). Section 552.103 provides as follows:

(a) Information is excepted from [required public disclosure] if it is information relating to litigation of a civil or criminal nature to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party.

...

(c) Information relating to litigation involving a governmental body or an officer or employee of a governmental body is excepted from disclosure under Subsection (a) only if the litigation is pending or reasonably anticipated on the date that the requestor applies to the officer for public information for access to or duplication of the information.

Gov't Code § 552.103(a), (c). The sheriff's office has the burden of providing relevant facts and documents to show that the section 552.103(a) exception is applicable in a particular situation. The test for meeting this burden is a showing that (1) litigation is pending or reasonably anticipated, and (2) the information at issue is related to that litigation. *University of Tex. Law Sch. v. Texas Legal Found.*, 958 S.W.2d 479, 481 (Tex. App.—Austin 1997, orig. proceeding); *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex. App.—Houston [1st Dist.] 1984, writ ref'd n.r.e.); Open Records Decision No. 551 at 4 (1990). The sheriff's office must meet both prongs of this test for information to be excepted under section 552.103(a).

You state, and submit documentation showing, prior to the date the sheriff's office received the instant requests, the requestor filed a lawsuit styled *Saturn v. Maddox*, Cause No. 3SC-15-1050, against a sheriff's office deputy, in his official capacity, in the Williamson County Justice of the Peace Court, Precinct 3. You state the submitted information relates to the pending litigation because it pertains to the sheriff's office's contacts with the requestor and the underlying properties at issue in the lawsuit. Based on these representations, we find the sheriff's office has demonstrated the information at issue is related to pending litigation. Therefore, the sheriff's office may generally withhold the remaining information not subject to section 552.022(a)(1) under section 552.103(a) of the Government Code.

However, the submitted information involves alleged criminal activity. Information normally found on the front page of an offense or incident report is generally considered public. *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex Civ. App.—Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); *see* Open Records Decision No. 127 (1976). This office has stated basic information about a crime may not be withheld under section 552.103 of the Government Code even if it is related to the litigation. Open Records Decision No. 362 (1983). Thus, we find the basic offense information from the submitted criminal reports may not be withheld on the basis of section 552.103 of the Government Code. Therefore, with the exception of basic information, which must be released, the sheriff's office may withhold the remaining submitted information not subject to section 552.022(a)(1) under section 552.103(a) of the Government Code.<sup>4</sup>

Generally, however, once information has been obtained by all parties to the litigation through discovery or otherwise, no section 552.103(a) interest exists with respect to that information. Open Records Decision Nos. 349 (1982), 320 (1982). Thus, information that has either been obtained from or provided to the opposing party in the pending litigation is not excepted from disclosure under section 552.103(a), and it must be disclosed. Further, the applicability of section 552.103(a) ends once the litigation has concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).

Next, we address your arguments against disclosure of any of the remaining submitted information that is subject to section 552.022(a)(1) of the Government Code. Section 552.108(a)(1) of the Government Code excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]” Gov’t Code § 552.108(a)(1). A governmental body claiming section 552.108(a)(1) must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the remaining information you marked, case number C11-02-00353, relates to an ongoing criminal investigation. We note, however, case number C11-02-00353 pertains to a misdemeanor that occurred on February 1, 2011. The statute of limitations for this offense is two years from the date of the offense. *See* Transp. Code § 550.025 (duty on striking structure, fixture, or highway landscaping is a Class B misdemeanor if damage is \$200 or more), Crim. Proc. Code art. 12.02 (indictment for misdemeanor may be presented within two years from date of commission of offense, and not afterward). Thus, the statute of limitations for the offense in the information at issue has expired. You have not informed this office that any criminal charges were filed within the limitation period nor have you explained release of the information at issue would interfere with law enforcement. We

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<sup>4</sup>As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information, except to note section 552.108 of the Government Code does not except from disclosure basic information about an arrested person, an arrest, or a crime. Gov’t Code § 552.108(c).

therefore determine the sheriff's office may not withhold case number C11-02-00353 pursuant to section 552.108(a)(1) of the Government Code.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that did not result in conviction or deferred adjudication. *See* Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested). You state the remaining information you marked relates to investigations that did not result in conviction or deferred adjudication. Based on your representation and our review, we find section 552.108(a)(2) of the Government Code is applicable to the remaining information you marked.

However, we note, and you acknowledge, section 552.108 does not except from disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Section 552.108(c) refers to the basic "front-page" information held to be public in *Houston Chronicle*. *See* 531 S.W.2d at 186-187; *see also* Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). Accordingly, with the exception of basic information, the sheriff's office may withhold the remaining information you marked under section 552.108(a)(2) of the Government Code.<sup>5</sup>

You argue some of the remaining information consists of confidential criminal history record information ("CHRI"). Section 552.101 of the Government Code also encompasses laws that make CHRI confidential. CHRI generated by the National Crime Information Center or by the Texas Crime Information Center is confidential under federal and state law. CHRI means "information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, informations, and other formal criminal charges and their dispositions." Gov't Code § 411.082(2). Part 20 of title 28 of the Code of Federal Regulations governs the release of CHRI obtained from the National Crime Information Center network or other states. *See* 28 C.F.R. § 20.21. The federal regulations allow each state to follow its individual law with respect to CHRI it generates. Open Records Decision No. 565 at 7 (1990). Section 411.083 of the Government Code makes CHRI the Texas Department of Public Safety ("DPS") maintains confidential, except DPS may disseminate this information as provided in subchapter F, or subchapter E-1, of chapter 411 of the Government Code. *See* Gov't Code § 411.083. Sections 411.083(b)(1) and 411.089(a) authorize a criminal justice agency to obtain CHRI. However, a criminal justice agency may only release CHRI to another criminal justice agency for a criminal justice purpose. *Id.* § 411.089(b)(1). Thus, CHRI obtained from DPS or any other criminal justice agency must be withheld under section 552.101 of the Government Code in conjunction with subchapter F of chapter 411 of the Government Code. However, section

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<sup>5</sup>As our ruling is dispositive, we need not address your remaining arguments against disclosure of the submitted information.

411.083 does not apply to active warrant information or other information relating to an individual's current involvement in the criminal justice system. *Id.* § 411.081(b) (police department allowed to disclose information pertaining to person's current involvement with criminal justice system). Upon review, we find none of the information at issue constitutes CHRI for purposes of chapter 411 or federal law. Therefore, the sheriff's office may not withhold any of the information at issue under section 552.101 of the Government Code on this basis.

Some of the remaining information consists of medical records subject to section 552.101 of the Government Code in conjunction with the Medical Practice Act ("MPA"). Section 552.101 also encompasses information made confidential by the MPA, subtitle B of title 3 of the Occupations Code, which governs release of medical records. Section 159.002 of the MPA provides, in relevant part, the following:

(a) A communication between a physician and a patient, relative to or in connection with any professional services as a physician to the patient, is confidential and privileged and may not be disclosed except as provided by this chapter.

(b) A record of the identity, diagnosis, evaluation, or treatment of a patient by a physician that is created or maintained by a physician is confidential and privileged and may not be disclosed except as provided by this chapter.

(c) A person who receives information from a confidential communication or record as described by this chapter, other than a person listed in Section 159.004 who is acting on the patient's behalf, may not disclose the information except to the extent that disclosure is consistent with the authorized purposes for which the information was first obtained.

Occ. Code § 159.002(a)-(c). Information subject to the MPA includes both medical records and information obtained from those records. *See id.* §§ 159.002, .004. This office has concluded the protection afforded by section 159.002 extends only to records created by either a physician or someone under the supervision of a physician. *See* Open Records Decision Nos. 487 at 3-4 (1988), 370 at 2 (1983), 343 at 1 (1982). We have further found when a file is created as a result of a hospital stay, all the documents in the file referring to diagnosis and treatment constitute physician-patient communications or "[r]ecords of the identity, diagnosis, evaluation, or treatment of a patient by a physician that are created or maintained by a physician." Open Records Decision No. 546 at 1 (1990). Upon review, we find the information we have marked is confidential under the MPA. Accordingly, the sheriff's office must withhold the information we have marked under section 552.101 of the Government Code in conjunction with the MPA.

Next, we address your arguments under section 552.101 of the Government Code in conjunction with common-law privacy for portions of the remaining information. Section 552.101 also encompasses the doctrine of common-law privacy, which protects

information that is (1) highly intimate or embarrassing, the publication of which would be 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. This office has concluded some kinds of medical information are generally highly intimate or embarrassing. See Open Records Decision No. 455 (1987). Additionally, under the common-law right of privacy, an individual has a right to be free from the publicizing of private affairs in which the public has no legitimate concern. *Indus. Found.*, 540 S.W.2d at 682. In considering whether a public citizen's date of birth is private, the Third Court of Appeals looked to the supreme court's rationale in *Texas Comptroller of Public Accounts v. Attorney General of Texas*, 354 S.W.3d 336 (Tex. 2010). *Paxton v. City of Dallas*, No. 03-13-00546-CV, 2015 WL 3394061, at \*3 (Tex. App.—Austin May 22, 2015, pet. denied) (mem. op.). The supreme court concluded public employees' dates of birth are private under section 552.102 of the Government Code because the employees' privacy interest substantially outweighed the negligible public interest in disclosure.<sup>6</sup> *Texas Comptroller*, 354 S.W.3d at 347-48. Based on *Texas Comptroller*, the court of appeals concluded the privacy rights of public employees apply equally to public citizens, and thus, public citizens' dates of birth are also protected by common-law privacy pursuant to section 552.101. *City of Dallas*, 2015 WL 3394061, at \*3. Upon review, we find most of the information you have marked, and the additional information we have marked, satisfy the standard articulated by the Texas Supreme Court in *Industrial Foundation*. Accordingly, except for the information we have marked for release, the sheriff's office must withhold this information, including the dates of birth of the public citizens you have marked, under section 552.101 of the Government Code in conjunction with common-law privacy. However, we find the information we marked for release is not highly intimate or embarrassing information. Therefore, none of the remaining information may be withheld 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. We note section 552.130 protects privacy, which is a personal right that lapses at death; thus section 552.130 is not applicable to the deceased individuals' driver's license information. See *Moore v. Charles B. Pierce Film Enters., Inc.*, 589 S.W.2d 489, 491 (Tex. App.—Texarkana 1979, writ ref'd n.r.e.); see also Attorney General Opinions JM-229 (1984) ("the right of privacy lapses upon death"), H-917 (1976) ("We are . . . of the opinion that the Texas courts would follow the almost uniform rule of other jurisdictions that the right of privacy lapses upon death."); Open Records Decision No. 272 at 1 (1981) (privacy rights lapse upon death). Further, some of

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<sup>6</sup>Section 552.102(a) excepts from disclosure "information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Gov't Code § 552.102(a).

the information the sheriff's office has marked is not of the type made confidential under section 552.130, and thus, it may not be withheld on that basis. Accordingly, with the exception of the information we have marked for release, the sheriff's office must withhold the motor vehicle record information it has marked, and the additional information we marked, under section 552.130 of the Government Code.

Next, you seek to withhold the identifying information of undercover officers in the remaining information, including portions of the basic information, under section 552.152 of the Government Code which provides,

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from [required public disclosure] if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm.

Gov't Code § 552.152. You state the information you marked reveals the identities of undercover narcotics officers. You represent the release of the undercover officers' identities would put the officers at risk. Accordingly, the sheriff's office must withhold the identifying information of the undercover officers within the remaining submitted information, which you have marked, under section 552.152 of the Government Code.

In summary, the sheriff's office must withhold the submitted accident reports under section 552.101 of the Government Code in conjunction with section 550.065(b) of the Transportation Code, but must release the redacted accident reports to the requestor pursuant to section 550.065(c-1) of the Transportation Code. Except for the information we have marked for release, the sheriff's office must withhold the information you marked, and the additional information we marked, under section 552.101 of the Government Code in conjunction with section 261.201 of the Family Code. To the extent the submitted information pertains to concluded investigations, including those investigations for which the statute of limitations for the underlying criminal offense has run, this information is subject to section 552.022(a)(1) of the Government Code and may not be withheld under section 552.103 of the Government Code. To the extent the submitted information does not pertain to concluded investigations, and thus, is not subject to section 552.022(a)(1), with the exception of basic information, the sheriff's office may withhold the remaining submitted information under section 552.103 of the Government Code. To the extent the remaining information is subject to section 552.022(a)(1), the sheriff's office: (1) may withhold the information you marked under section 552.108(a)(2) of the Government Code; (2) must withhold the information we marked under section 552.101 of the Government Code in conjunction with the MPA; (3) except for the information we marked for release, must withhold the marked information under section 552.101 of the Government Code in conjunction with common-law privacy; (4) with the exception of the information we have marked for release, must withhold the marked motor vehicle record under section 552.130 of the Government Code. Regardless of the applicability of section 552.022(a)(1), the sheriff's office must withhold the information you have marked in the remaining information

under section 552.152 of the Government Code. The remaining information must be released.<sup>7</sup>

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](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,



Kavid Singh  
Assistant Attorney General  
Open Records Division

KVS/bhf

Ref: ID# 605810

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>7</sup>We note the remaining information contains social security numbers; however, some of the social security numbers belong to deceased individuals. Although section 552.147(b) of the Government Code authorizes a governmental body to redact living persons' social security numbers from public release without the necessity of requesting a decision from this office under the Act, this section does not apply to the social security numbers of deceased individuals. Gov't Code § 552.147(b). Therefore, the sheriff's office may only withhold social security numbers of living individuals under section 552.147 of the Government Code. We also note the requestor has a right of access to some information being released pursuant to section 552.023 of the Government Code. *See* Gov't Code § 552.023(a) ("[a] person or a person's authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the 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 individuals request information concerning themselves).