



January 21, 2015

Mr. Rusty Meurer
Counsel for the Laredo Community College
Kazen, Meurer & Pérez L.L.P.
P.O. Box 6237
Laredo, Texas 78042

OR2015-01136

Dear Mr. Meurer:

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# 550670.

The Laredo Community College (the "college"), which you represent, received a request for a specified college police department incident report. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section 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. Upon review, we find no portion of the submitted information is highly intimate or embarrassing and of no legitimate public concern. Accordingly, the college may not

withhold any of the submitted information under section 552.101 of the Government Code in conjunction with common-law privacy.

Section 552.1175 of the Government Code protects the home address, home telephone number, emergency contact information, date of birth, social security number, and family member information of certain individuals, when that information is held by a governmental body in a non-employment capacity and the individual elects to keep the information confidential.¹ *See* Gov't Code § 552.1175(b). Section 552.1175 applies, in part, to "peace officers as defined by Article 2.12, Code of Criminal Procedure[.]" Gov't Code § 552.1175(a)(1). We note a portion of the submitted information relates to an individual who may be a licensed peace officer; however, we are unable to determine from the information provided if the individual at issue is a currently-licensed peace officer. Thus, we must rule conditionally. Accordingly, to the extent the information we have marked relates to an individual who is a currently-licensed peace officer and who elects to restrict access to his information in accordance with section 552.1175(b), the college must withhold that information under section 552.1175 of the Government Code. Conversely, if the individual whose information is at issue is not a currently-licensed peace officer, or does not elect to restrict access to his information in accordance with section 552.1175(b), the college may not withhold the information we have marked under section 552.1175.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's or 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. Gov't Code § 552.130(a). Upon review, we find the college must withhold the motor vehicle record information we have marked under section 552.130 of the Government Code.

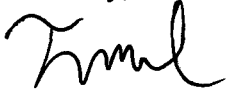
In summary, to the extent the information we have marked relates to an individual who is a currently-licensed peace officer and who elects to restrict access to his information in accordance with section 552.1175(b), the college must withhold that information under section 552.1175 of the Government Code. The college must withhold the motor vehicle record information we have marked under section 552.130 of the Government Code. The college 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 mandatory exceptions on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision No. 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 black ink, appearing to read "Tim Neal", written in a cursive style.

Tim Neal
Assistant Attorney General
Open Records Division

TN/bhf

Ref: ID# 550670

Enc. Submitted documents

c: Requestor
(w/o enclosures)