



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 6, 2016

Ms. Molly Cost
Assistant General Counsel
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR2016-26976

Dear Ms. Cost:

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# 636576 (PIR# 16-5666).

The Texas Department of Public Safety (the "department") received a request for information regarding a specified company and a specified security license. We understand the department will redact motor vehicle record information pursuant section 552.130(c) of the Government Code and public citizens' dates of birth pursuant to the previous determination issued to the department in Open Records Letter No. 2015-27249 (2015).¹ You claim portions of the submitted information are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the representative sample of submitted information.²

¹Section 552.130(c) of the Government Code allows a governmental body to redact the information described in section 552.130(a) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e). Open Records Letter No. 2015-27249 authorizes the department to withhold dates of birth of public citizens under section 552.101 of the Government Code in conjunction with common-law privacy without the necessity of requesting an attorney general's decision.

²We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

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 section 1702.085 of the Occupations Code, which provides as follows:

Records maintained by the department under this chapter on the home address, home telephone number, driver’s license number, or social security number of an applicant or a license holder, registrant, or security officer commission holder are confidential and are not subject to mandatory disclosure under [the Act].

Occ. Code § 1702.085. You inform us the information you have marked under section 1702.085 consists of the home addresses, home telephone numbers, or social security numbers of persons applying for licenses under and holding licenses under chapter 1702 of the Occupations Code. *See id.* §§ 1702.004, .005 (granting department, through the Texas Private Security Board, power to license and regulate investigations companies and security services contractors). Upon review, we find some of the information at issue, which we have marked for release, does not consist of the home addresses, home telephone numbers, or social security numbers of persons applying for licenses under and holding licenses under chapter 1702 of the Occupations Code. Thus, the department may not withhold this information under section 552.101 of the Government Code in conjunction with section 1702.085 of the Occupations Code but, instead, must release it to the requestor. However, we agree the department must withhold the remaining information it has marked under section 552.101 of the Government Code in conjunction with section 1702.085 of the Occupations Code. The department must release the remaining information.

Finally, you ask this office to issue a previous determination that would permit the department to withhold from disclosure information made confidential under section 1702.085 of the Occupations Code without the necessity of requesting a decision under section 552.301 of the Government Code. *See* Gov’t Code § 552.301(a) (allowing a governmental body to withhold information subject to previous determination); Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). We decline to issue such a previous determination at this time.

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,

A handwritten signature in black ink, appearing to read "Ian Lancaster".

Ian Lancaster
Assistant Attorney General
Open Records Division

IML/akg

Ref: ID# 636576

Enc. Submitted documents

c: Requestor
(w/o enclosures)