



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 8, 2017

Mr. Richard A. McCracken  
Assistant City Attorney  
Office of the City Attorney  
City of Fort Worth  
200 Texas Street, 3<sup>rd</sup> Floor  
Fort Worth, Texas 76102

OR2017-09767

Dear Mr. McCracken:

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# 656678 (Fort Worth PIR No. W058612).

The City of Fort Worth (the "city") received a request for photographs associated with a specified incident. The city released information responsive to the request but made redactions as permitted by section 552.130 of the Government Code without requesting a decision from this office.<sup>1</sup> *See* Gov't Code § 552.130(c). Pursuant to section 552.130(d), the requestor has asked this office to review the information and render a decision as to whether it is excepted from disclosure under section 552.130. *Id.* § 552.130(d). We have considered the city's position and reviewed the submitted information.

Initially, we note some of the information you have submitted to this office for review, to exclude the information in Exhibit C, was previously ruled upon by this office in Open Records Letter No. 2017-07667 (2017). This ruling does not address the public availability of any information that was at issue in Open Records Letter No. 2017-07667, and is limited to a review of the information within Exhibit C.

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<sup>1</sup>You state the city previously erroneously withheld 9-1-1 caller information in response to the instant request; you state the city has since released such information to the requestor.

Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle title or registration issued by an agency of this state or another state or country. *Id.* § 552.130(a)(2). Upon review, we find the city must withhold the information we have indicated in the information in Exhibit C under section 552.130 of the Government Code. However, no portion of the remaining information in Exhibit C consists of motor vehicle record information. Accordingly, no portion of the remaining information at issue may be withheld under section 552.130 of the Government Code.

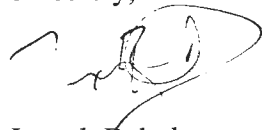
Section 552.136(b) of the Government Code provides, “[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.”<sup>2</sup> *Id.* § 552.136(b); *see id.* § 552.136(a) (defining “access device”). Thus, the city must withhold the information we have indicated in Exhibit C under section 552.136 of the Government Code.

In summary, the city must withhold the information we have indicated in Exhibit C under section 552.130 of the Government Code and section 552.136 of the Government Code. The city must release the remaining information in Exhibit C.

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,



Joseph Behnke  
Assistant Attorney General  
Open Records Division

JB/som

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<sup>2</sup>The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480(1987), 470 (1987).

Ref: ID# 656678

Enc. Submitted documents

c: Requestor  
(w/o enclosures)