



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 31, 2017

Mr. Jonathan Ellzey
Assistant District Attorney
Wichita County
900 Seventh Street
Wichita Falls, Texas 76301

OR2017-11867

Dear Mr. Ellzey:

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# 660064 (ORR.1174).

Wichita County (the "county") received a request for sixteen categories of information pertaining to the county courthouse.¹ You claim some of the submitted information is excepted from disclosure under sections 552.101, 552.130, and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.130 of the Government Code excepts from disclosure information that relates to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by this state or another state or country. Gov't Code § 552.130(a)(1), (2). We find some of the information you have marked on this basis does not consist of motor vehicle record information for purposes of section 552.130 of the Government Code. Therefore, the county may not withhold such information, which we have marked for release, under

¹We note the county sought and 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).

section 552.130. Accordingly, with the exception of the information we marked for release, the county must withhold the motor vehicle record information you marked under section 552.130 of the Government Code.

Section 552.147 of the Government Code excepts from disclosure the social security number of a living person. *Id.* § 552.147. Upon review, we agree the county may withhold the social security numbers you marked under section 552.147 of the Government Code.

Section 552.101 of the Government Code excepts “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” *Id.* § 552.101. Section 552.101 encompasses the doctrine of common-law privacy. *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. The court of appeals has concluded public citizens’ dates of birth are protected by common-law privacy pursuant to section 552.101. *See 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.). This office has also found that personal financial information not relating to a financial transaction between an individual and a governmental body is, generally intimate or embarrassing. *See generally* Open Records Decision No. 545 (1990) (deferred compensation information, participation in voluntary investment program, election of optional insurance coverage, mortgage payments, assets, bills, and credit history). Upon review, we find the information we marked satisfies the standard articulated by the Texas Supreme Court in *Industrial Foundation*. Therefore, the county must withhold the information we marked, and all public citizens’ dates of birth, under section 552.101 of the Government Code in conjunction with common-law privacy. However, upon review, we find the remaining information is not highly intimate or embarrassing and of no legitimate public interest. Consequently, the county may not withhold the remaining information under section 552.101 of the Government Code in conjunction with common-law privacy.

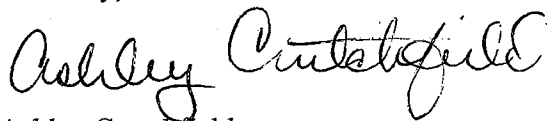
In summary, with the exception of the information we marked for release, the county must withhold the information you marked under sections 552.130 of the Government Code. The county must withhold the information you marked under 552.147 of the Government Code. The county must withhold the information we marked under section 552.101 of the Government Code in conjunction with common-law privacy. The county 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.

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,

Handwritten signature of Ashley Crutchfield in cursive script.

Ashley Crutchfield
Assistant Attorney General
Open Records Division

AC/bw

Ref: ID# 660064

Enc. Submitted documents

c: Requestor
(w/o enclosures)