



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 14, 2019

Ms. Alicia K. Kreh
Counsel for the Town of Flower Mound
Taylor Olson Adkins Sralla Elam, L.L.P.
6000 Western Place, Suite 200
Fort Worth, Texas 76107-4654

OR2019-01067

Dear Ms. Kreh:

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# 753234 (ORR# 921-18).

The Town of Flower Mound (the "town"), which you represent, received a request for information related to city code violations at a specified location during a specified time period. The town states it is withholding motor vehicle record information pursuant to section 552.130(c) of the Government Code, and social security numbers pursuant to section 552.147(b) of the Government Code.¹ The town further states it is withholding certain information pursuant to Open Records Decision No. 684 (2009).² The town states it is releasing some of the requested information. The town claims some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception the town claims and reviewed the submitted information.

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). Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office. *See id.* § 552.147(b).

²Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold certain information without the necessity of requesting an attorney general decision.

The town states some of the submitted information, which it has marked, identifies a complainant who reported a violation of a city ordinance to the town's Code Enforcement Department (the "department"). The town explains the department is responsible for enforcing the relevant portions of the city ordinance. The town also states a violation of the relevant city ordinance carries civil or criminal penalties. Based upon these representations and our review, we conclude the town has demonstrated the applicability of the common-law informer's privilege to the information at issue. Therefore, the town may withhold the information it marked under section 552.101 of the Government Code in conjunction with the common-law informer's privilege. The town 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,



Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/eb

Ref: ID# 753234

Enc. Submitted documents

c: Requestor
(w/o enclosures)