



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 11, 2022

Mr. Carlos L. Amendariz
Assistant City Attorney
City of El Paso
P.O. Box 1890
El Paso, Texas 79950-1890

OR2022-31202

Dear Mr. Amendariz:

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# 977047 (ORR# 22-1006-11718).

The City of El Paso (the "city") received a request for the identity of the individual who drives a specified city-owned vehicle and the driving log for a specified time period. The city claims the submitted information is excepted from disclosure under section 552.152 of the Government Code.¹ We have considered the exception the city claims and reviewed the submitted information.

The city seeks to withhold the remaining information under section 552.152 of the Government Code. Section 552.152 provides,

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from [required public disclosure] if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm.

Gov't Code § 552.152. Upon review, we find the city has not demonstrated the release of any of the submitted information would subject an employee or officer of the city to a

¹ Although the city also raises section 552.101 of the Government Code in conjunction with common-law privacy and constitutional privacy for the submitted information, the city provides no arguments explaining how these doctrines apply to the information at issue. Therefore, we assume the city no longer assert these doctrines. See Gov't Code §§ 552.301, .302.

substantial threat of physical harm. Thus, the city may not withhold any of the information under section 552.152 of the Government Code.

We note some of the submitted information is subject to section 552.130 of the Government Code.² Section 552.130 provides information relating to a motor vehicle operator's license, 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. *See* Gov't Code § 552.130. Accordingly, the city must withhold the motor vehicle record information we marked under section 552.130 of the Government Code. The city 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/pt

Ref: ID# 977047

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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