



May 13, 1999

Ms. E. Cary Grace
Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR99-1322

Dear Ms. Grace:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124195.

The City of Houston (the "city") received a request for copies of two offense reports regarding stolen vehicles. You inform us that the requestor has advised the city that she only seeks to obtain unredacted copies of the "Public Release Information portions" of the offense reports, not the reports in their entirety. You ask whether section 552.130 of the Government Code excepts from disclosure the vehicle identification numbers and license plate numbers listed in the reports.

Section 552.130 provides:

(a) Information is excepted from the requirements of Section 552.021 if the information relates to:

- (1) a motor vehicle operator's or driver's license or permit issued by an agency of this state;
- (2) a motor vehicle title or registration issued by an agency of this state; or
- (3) a personal identification document issued by an agency of this state or a local agency authorized to issue an identification document.

Gov't Code § 552.130. Vehicle identification numbers and license plate numbers are excepted from disclosure to the general public under section 552.130(a)(2) because they relate to motor vehicle titles and registrations issued by this state. We conclude, however, that section 552.023 of the Government Code gives a car owner or a car owner's authorized representative a right of access to his own vehicle identification number and license plate number.

Section 552.023 provides:

(a) A person or a person's authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person's privacy interests.

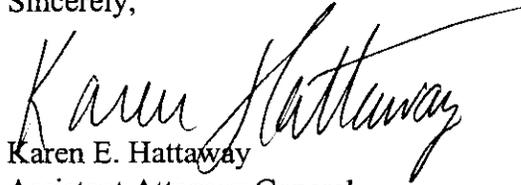
(b) A governmental body may not deny access to information to the person, or the person's representative, to whom the information relates on the grounds that the information is considered confidential by privacy principles under this chapter but may assert as grounds for denial of access other provisions of this chapter or other law that are not intended to protect the person's privacy interests.

Gov't Code § 552.023. The bill which added section 552.130 to the Government Code also enacted chapter 730 of the Transportation Code. Act of May 29, 1997, S.B. 1069, 75th Leg., R.S. The purpose of the bill was to bring Texas into compliance with the federal Driver's Privacy Protection Act and protect individual privacy interests by restricting the use of driver's license and motor vehicle information. Senate Comm. on State Affairs, Bill Analysis, Tex. S.B. 1069, 75th Leg., R.S. (1997). *See also* Transp. Code § 730.002 (purpose of Motor Vehicle Records Disclosure Act is to protect individual's personal privacy by prohibiting disclosure and use of personal information in motor vehicle records). For these reasons, we conclude that section 552.130 is intended to protect individual privacy interests. Therefore, section 552.023 gives an individual or an individual's authorized representative a special right of access to information that relates to the individual and is excepted from disclosure to the general public pursuant to section 552.130. If the requestor has an ownership interest in the stolen cars or is the authorized representative of the individuals who own the cars, the requestor is entitled to receive copies of the public release portions of the offense reports which include the vehicle identification numbers and license plate numbers.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination

regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref.: ID# 124195

encl. Submitted documents

cc: Ms. Gretchen Sonnier
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