



April 22, 2002

Ms. Angela M. DeLuca
Assistant City Attorney
City of College Station
Legal Department
P.O. Box 9960
College Station, Texas 77842

OR2002-2022

Dear Ms. DeLuca:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 163962.

The City of College Station (the "city") received a request for the traffic citation and disposition documents relating to an automobile accident that occurred on December 16, 1998. The city has released the requested information, except for the Texas driver's license number, which the city claims is excepted from disclosure under section 552.130 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.130 excepts from public disclosure information that relates to a driver's license or a motor vehicle title or registration issued by an agency of this state. Therefore, the city must withhold from disclosure the Texas driver's license number contained within the submitted information pursuant to section 552.130 of the Government Code.

Further, you request that this office issue a previous determination allowing the city to withhold Texas driver's license and vehicle identification numbers under section 552.130 of the Government Code. Therefore, as per your request, this letter ruling shall serve as a previous determination under section 552.301(a) that Texas driver's license and vehicle identification numbers are excepted from public disclosure under section 552.130. *See Gov't Code § 552.301(a), (f); see also Open Records Decision No. 673 (2001).* However, we note that section 552.130 protects the privacy of the individual to whom the information relates. Therefore, a person's section 552.130 information must be released to that person or that person's authorized representative. *See Gov't Code § 552.023 (person or person's*

authorized representative has a special right of access to information that is protected by laws intended to protect a person's privacy). Moreover, because this provision was enacted to protect the privacy of an individual, the protection extinguishes upon the individual's death. This conclusion is consistent with prior decisions of this office, which held that exceptions of the PIA that only protect a person's privacy interest do not survive the death of that person. *See* Attorney General Opinion H-917 (1976) (common-law privacy under sections 552.101 and 552.102 lapses on person's death); Open Records Decision Nos. 536 (1989) (section 552.119 does not except peace officer's photograph after officer's death), 524 (1989) (section 552.114 does not except student records after student's death). Thus, the city may not withhold a deceased person's section 552.130 information.

This previous determination applies only to Texas driver's license and vehicle identification numbers requested of the City of College Station. *See* Open Records Decision No. 673 at 7 (2001). Moreover, so long as the elements of law, fact and circumstances do not change so as to no longer support the findings set forth above, the City of College Station need not ask for a decision from this office again with respect to this type of information requested of the City of College Station. *See id.*

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss of the Texas Building and Procurement Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/sdk

Ref: ID# 163962

Enc: Submitted document

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(w/o enclosure)