



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 7, 2005

Chief Don Hatcher
Leander Police Department
P.O. Box 319
Leander, Texas 78646

OR2005-06004

Dear Chief Hatcher:

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# 230728.

The Leander Police Department (the "department") received a request for information pertaining to a particular incident. You inform us that you have released some information but claim that other requested information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.130 provides in relevant part:

(a) Information is excepted from the requirement 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; [or]
- (2) a motor vehicle title or registration issued by an agency of this state[.]

Gov't Code 552.130(a). However, section 552.130 excepts information from disclosure in order to protect individuals' privacy. Therefore, the requestor is entitled to his own driver's license number and information pertaining to motor vehicles in which he owns an interest, and such information may not be withheld under section 552.130. *See* Gov't Code § 552.023(b) (governmental body may not deny access to information to person to whom

information relates on grounds that information is considered confidential by privacy principles). Texas-issued motor vehicle record information that pertains to other individuals and vehicles in which the requestor owns no interest must be withheld under section 552.130.

We also note that the submitted information contains social security numbers. Section 552.147 of the Government Code¹ provides that “[t]he social security number of a living person is excepted from” required public disclosure under the Act. However, section 552.147 excepts information from disclosure in order to protect individuals’ privacy. Therefore, the requestor is entitled to his own social security number, and such information may not be withheld under section 552.147. *See* Gov’t Code § 552.023(b). Social security numbers that pertain to other individuals must be withheld under section 552.147. We have marked the social security numbers that must be withheld under section 552.147.² Because of our ruling on this issue, we need not address your arguments under section 552.101.

In summary, Texas-issued motor vehicle record information that pertains to other individuals and vehicles in which the requestor owns no interest must be withheld under section 552.130. Social security numbers of individuals other than the requestor must be withheld under section 552.147. The remaining submitted information must be released.

This letter ruling is limited to the particular records 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 records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov’t Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

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

¹Added by Act of May 23, 2005, 79th Leg., R.S., S.B. 1485, § 1, sec. 552.147(a) (to be codified at Tex. Gov’t Code § 552.147).

²We note that 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 under the Act.

statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, 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 Dep't of Pub. 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 at 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,



Jaime L. Flores
Assistant Attorney General
Open Records Division

JLF/seg

Ref: ID# 230728

Enc. Submitted documents

c: Mr. Bryan Marchman
1635 South 10th Avenue
Yuma, Arizona 85364
(w/o enclosures)