



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 12, 2006

Ms. Melissa Winblood  
Assistant District Attorney  
Thirty-Fourth Judicial District  
500 East San Antonio Street, 2<sup>nd</sup> Floor  
El Paso, Texas 79901-2420

OR2006-00424

Dear Ms. Winblood:

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# 240549.

The District Attorney for the Thirty-Fourth Judicial District (the "district attorney") received a request for a specified offense report. You state that you have released the majority of the requested information to the requestor, but claim that portions of the remaining requested information are excepted from disclosure under sections 552.130 and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.130 of the Government Code provides, in pertinent part:

(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; [or]
- (2) a motor vehicle title or registration issued by an agency of this state[.]

Gov't Code § 552.130(a). Upon review, we agree that the Texas driver's license number and Texas license plate number you have highlighted are confidential under section 552.130.

Section 552.147 of the Government Code provides that "[t]he social security number of a living person is excepted from" required public disclosure under the Act. Gov't Code

§ 552.147. Therefore, the district attorney must withhold the social security number it has highlighted pursuant to section 552.147.<sup>1</sup>

Finally, we note that the submitted information reflects that the requestor is the spouse of the individual to whom some of the submitted information pertains. As such, the requestor may have a special right of access to some of the information you have highlighted. *See* Gov't Code § 552.023; Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself). If the requestor is seeking the submitted information on behalf of her spouse, pursuant to section 552.023, the requestor has a special right of access to information that is otherwise confidential under sections 552.130 and 552.147 of the Government Code. We have marked the information to which the requestor may have a right of access. To the extent the requestor has a right of access to the information we have marked, the district attorney must release it to her.

In summary, the Texas motor vehicle information you have highlighted must be withheld under section 552.130 of the Government Code.<sup>2</sup> The social security number you have highlighted must be withheld under section 552.147 of the Government Code. However, if the requestor has a special right of access to her husband's information under section 552.023 of the Government Code, the information we have marked must be released to the requestor. The remaining submitted information must be released to the requestor.

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).

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<sup>1</sup>We 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.

<sup>2</sup>We note that some of the information being released contains information that is confidential with respect to the general public. However, the requestor has a special right of access to her own information. If the district attorney receives a future request for this information from an individual other than the requestor or the requestor's authorized representative, the district attorney should again seek our decision.

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, 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 Office of the Attorney General 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. 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,



Lisa V. Cubriel  
Assistant Attorney General  
Open Records Division

LVC/segh

Ref: ID# 240549

Enc: Submitted documents

c: Ms. Martha Martin  
9021 Villa Madero  
El Paso, Texas 79907  
(w/o enclosures)