ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 8, 2006

Ms. Pamela Smith
Associate General Counsel
Texas Department of Public Safety
P. O. Box 4087
Austin, Texas 78773-0001

OR2006-08898

Dear Ms. Smith:

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# 256054.

The Texas Department of Public Safety (the "department") received a request for the driver's license records of a named individual. You state that the department has released a portion of the requested information. You claim that the remaining 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 of the Government Code provides:

> (a) Information is excepted from [required public disclosure] 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.

> (b) Information described by Subsection (a) may be released only if, and in the manner, authorized by Chapter 730, Transportation Code.

Gov't Code § 552.130. The documents you seek to withhold under section 552.130 consist of driver's license application records. We agree that the submitted information relates to a motor vehicle driver's license issued by this state under section 552.130(a)(1). Therefore, this information may be released only in accordance with chapter 730 of the Transportation Code. *See id.* § 552.130(b), Transp. Code §§ 730.003-.007. You state and we agree that chapter 730 does not authorize the department to release the information in question in this instance. Therefore, the department must withhold the submitted information in its entirety under section 552.130 of the Government Code.[1]

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 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).

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[1]As our ruling is dispositive, we need not address your remaining argument against disclosure.

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,

Candice M. De La Garza

Candice M. De La Garza
Assistant Attorney General
Open Records Division

CMD/krl

Ref: ID# 256054

Enc. Submitted documents

c: Mr. Stephen M. Hughes
808 Ashford Drive
Coppell, Texas 75019
(w/o enclosures)