



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 27, 2009

Mr. Paul F. Wieneskie
Attorney at Law
204 South Mesquite
Arlington, Texas 76010

OR2009-07163

Dear Mr. Wieneskie:

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# 344198.

The Euless Police Department (the "department"), which you represent, received a request for information related to a specified incident. You claim that portions of the requested information are excepted from disclosure under sections 552.130 and 552.136 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.130 excepts from disclosure "information [that] relates to . . . a motor vehicle operator's or driver's license or permit issued by an agency of this state [or] a motor vehicle title or registration issued by an agency of this state." Gov't Code § 552.130. Thus, we generally agree that the department must withhold the Texas motor vehicle record information, which we have marked, found within the submitted documents. It appears, however, that the requestor or her spouse may be the owner of the vehicle at issue. Section 552.130 protects privacy interests, and the person to whom such information relates, or their authorized representative, has a right of access to such information under

section 552.023 of the Government Code.¹ Thus, if the requestor is owner of the vehicle in question, or if the requestor is the authorized representative of her husband, and her husband is the owner of the vehicle, then the department must release the Texas motor vehicle record information that pertains to the vehicle at issue. To the extent the requestor does not have a right of access to the information we have marked, we agree that the department must withhold it under section 552.130.

You also assert that some of the submitted information is subject to section 552.136 of the Government Code, which states that “[n]otwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.” *Id.* § 552.136. Section 552.136 also protects privacy interests, and the person to whom such information relates, or their authorized representative, has a right of access to such information under section 552.023 of the Government Code. Therefore, the department must withhold the insurance policy number we have marked under section 552.136 of the Government Code, unless the requestor has a right of access pursuant to section 552.023, in which case the information must be released to the requestor.

In summary, the department must withhold the Texas motor vehicle record information we have marked under section 552.130 of the Government Code; however, the department must release the marked Texas motor vehicle record information pursuant to section 552.023 of the Government Code, if the requestor is the owner or the authorized representative of the owner of the vehicle. The department must also withhold the insurance policy number we have marked under section 552.136 of the Government Code, unless the requestor has a right of access under section 552.023 of the Government Code, in which case the number must be released to this requestor. The remaining information must be released.²

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

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General’s Open Government Hotline, toll free,

¹Section 552.023(a) provides that “[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.” Gov’t Code § 552.023(a).

²Because some of the information being released is confidential with regard to the general public, if the department receives another request for this information from an individual other than this requestor, the department should again seek our decision.

at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Nettles".

Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 344198

Enc. Submitted documents

c: Requestor
(w/o enclosures)