



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 25, 2009

Mr. Scott A. Kelly
Interim General Counsel
Texas A&M University System
200 Technology Way, Suite 2079
College Station, Texas 77845-3424

OR2009-08752

Dear Mr. Kelly:

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# 347253.

The Texas A&M University Police Department (the "department") received a request for police report number 09-01196. You claim portions of the requested report are 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 of the Government Code 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. Therefore, we agree section 552.130 is applicable to the Texas motor vehicle record information you have marked in the submitted report. We note, however, that section 552.130 is intended to protect a person's privacy. Therefore, under section 552.023 of the Government Code, a person who is the subject of the information or the person's authorized representative has a special right of access to such information. *See id.* § 552.023(b) (governmental body may not deny access to person to whom information relates or person's authorized representative on grounds that information is considered confidential by privacy principles). Here, the requestor is requesting the information on behalf of an insurer of one of the drivers involved in the accident at issue. However, you state you have no indication that the requestor is the authorized representative of this driver. Nevertheless,

if the department receives notification that the requestor is the authorized representative of this driver, then the department must release the Texas motor vehicle record information belonging to this driver to the requestor. *See id.* § 552.229 (stating that a written and signed form is required for release of information under section 552.023). Otherwise, if the department does not receive such notification, then the department must withhold the information belonging to this driver under section 552.130 of the Government Code. In either event, the department must withhold the Texas motor vehicle record information belonging to the other driver under section 552.130 of the Government Code. The remaining information must be released.

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, 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,



Jordan Hale
Assistant Attorney General
Open Records Division

JH/jb

Ref: ID# 347253

Enc. Submitted documents

cc: Requestor
(w/o enclosures)

cc: Mr. David Tunic
ChoicePoint
P.O. Box 740167
Atlanta, GA 30374-0167
(w/o enclosures)