



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

July 29, 2009

Mr. Hyattye O. Simmons
General Counsel
Dallas Area Rapid Transit
P.O. Box 660163
Dallas, Texas 75266-0163

OR2009-10495

Dear Mr. Simmons:

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# 355015.

Dallas Area Rapid Transit ("DART") received a request for a specified police report. You state that some of the requested information has been released. You claim that other responsive information is excepted from disclosure under sections 552.130 and 552.136 of the Government Code. We have considered the exceptions you claim and reviewed the information you submitted.

Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle operator's or driver's license or permit or a motor vehicle title or registration issued by an agency of this state. *See* Gov't Code § 552.130(a)(1)-(2). We have marked Texas motor vehicle record information that falls within the scope of section 552.130.

Section 552.136 of the Government Code provides in part that "[n]otwithstanding any other provision of [the Act], 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(b); *see id.* § 552.136(a) (defining "access device"). We have marked insurance policy numbers that fall within the scope of section 552.136.

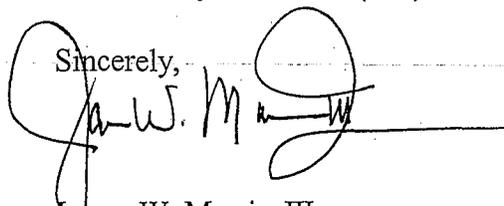
We note that sections 552.130 and 552.136 protect personal privacy. This request for information reflects that the requestor seeks access to the submitted information as a representative of an insurance company. The request further reflects that the company insures the complainant, to whom some of the marked Texas motor vehicle record and insurance policy information pertains. Thus, the requestor may be the complainant's

authorized representative. If so, then the requestor would have a right of access to the complainant's private information under section 552.023 of the Government Code. *See id.* § 552.023(a); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself).¹ Accordingly, as his authorized representative, the requestor would have a right of access to the complainant's Texas motor vehicle record information and insurance policy number. Therefore, if the requestor is the complainant's authorized representative, then the complainant's motor vehicle record information and insurance policy number may not be withheld under sections 552.130 and 552.136 and must be released to this requestor. If the requestor is not his authorized representative, then the complainant's motor vehicle record information and insurance policy number must be withheld under sections 552.130 and 552.136. In either event, DART must withhold the rest of the marked motor vehicle record information and the other marked insurance policy number under sections 552.130 and 552.136.² DART must release the rest of the submitted information, unless it has already done so.

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,

A handwritten signature in black ink, appearing to read "James W. Morris, III". The signature is written in a cursive style with a large, looping initial "J".

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/cc

¹Section 552.023 provides in part 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).

²We note that the remaining information includes a social security number. 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.

Ref: ID# 355015

Enc: Submitted documents

c: Requestor
(w/o enclosures)