



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 25, 2009

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

OR2009-11943

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# 353440.

The Dallas Area Rapid Transit ("DART") received a request for information pertaining to a specified accident. You state that some responsive information has been released to the requestor. You claim that some of the submitted 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 submitted information.

Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle title or registration issued by an agency of this state. *See Gov't Code* § 552.130(a)(1)-(2). We note that this exception protects personal privacy. Therefore, the requestor has a special right of access to the insured's Texas motor vehicle information under section 552.023 of the Government Code, and that information may not be withheld from this requestor under section 552.130. *See id.* § 552.023(a); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself). We have marked the Texas motor vehicle information that must be withheld under section 552.130 of the Government Code.

Section 552.136 of the Government Code 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." *Gov't Code* § 552.136(b); *see id.* § .136(a) (defining "access device"). This office has determined insurance policy numbers are access device numbers for purposes of section 552.136.

However, section 552.136 also protects personal privacy; thus, the requestor has a right of access to the insured's insurance policy number pursuant to section 552.023. Accordingly, DART may not withhold the submitted insurance policy number from this requestor under section 552.136 of the Government Code.

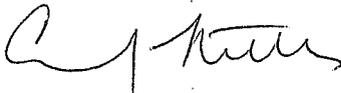
In summary, DART must withhold the Texas motor vehicle record information we have marked under section 552.130 of the Government Code. The remaining submitted information must be released.

Finally, you request that this office issue a "previous determination" that would permit DART in the future to withhold from disclosure Texas driver's license, motor vehicle title or registration numbers, and personal identification documents under section 552.130 of the Government Code without the need of requesting a ruling from us about whether such information can be withheld from disclosure. We decline to issue such a previous determination at this time.

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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 353440

Enc. Submitted documents

c: Requestor
(w/o enclosures)