



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 9, 2009

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

OR2009-14319

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# 357924.

Dallas Area Rapid Transit ("DART") received a request for information pertaining to a specified June 22, 2009 accident involving a named individual. You state you have released some information to the requestor. You claim 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.

You claim the Texas motor vehicle record information in the submitted information is excepted under section 552.130 of the Government Code. Section 552.130 excepts from disclosure information relating to a Texas motor vehicle driver's license and information relating to a Texas motor vehicle title or registration. Gov't Code § 552.130. We therefore conclude section 552.130 of the Government Code is applicable to the Texas driver's license number and license plate number we marked. We note section 552.130 is based on privacy principles. As an attorney, the requestor has a special right of access to any information that would be protected from public disclosure for the purpose of protecting his client's own privacy interests. *See* Gov't Code § 552.023(a); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when an individual or authorized representative asks governmental body to provide information concerning that individual). Although the

requestor indicates he is the attorney of a party involved the incident at issue, he does not identify which party is his client. Accordingly, to the extent the Texas motor vehicle record information we marked pertains to the requestor's client, it must be released. DART must withhold the remaining marked motor vehicle record information under section 552.130.

You raise section 552.136 of the Government Code for the insurance policy number in the remaining information. Section 552.136 provides:

(a) In this section, "access device" means a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another access device may be used to:

(1) obtain money, goods, services, or another thing of value; or

(2) initiate a transfer of funds other than a transfer originated solely by paper instrument.

(b) Notwithstanding 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. This office has determined insurance policy numbers are access device numbers for purposes of section 552.136. However, section 552.136 is also based on privacy principles. Thus, the requestor has a right of access to an access device number that relates to his client. *See id.* § 552.023(a); ORD 481 at 4. Thus, if the insurance policy number we marked pertains to the requestor's client, it must be released. Otherwise, DART must withhold the marked policy number under section 552.136 of the Government Code.

In summary, DART must withhold the Texas motor vehicle record information we marked that does not pertain to the requestor's client under section 552.130 of the Government Code. DART must also withhold the insurance policy number we marked under section 552.136 of the Government Code if it does not pertain to the requestor's client. 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](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, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Davis", written in a cursive style.

Bob Davis  
Assistant Attorney General  
Open Records Division

RSD/cc

Ref: ID# 357924

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)