



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

October 19, 2009

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

OR2009-14752

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# 363101 (DART ORR # 6847).

Dallas Area Rapid Transit ("DART") received a request for information related 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 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 public 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. *See Gov't Code* § 552.130(a)(1)-(2). Accordingly, the information we have marked is subject to section 552.130 of the Government Code.

We note, however, that because this exception protects personal privacy, the requestor may have a right of access to some of the motor vehicle record information at issue pursuant to 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 self).¹ Thus, if the requestor is acting as the authorized representative of the driver of the vehicle at issue, the marked information may not be withheld from this

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).

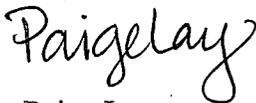
requestor pursuant to section 552.130. However, if the requestor is not the authorized representative of the driver of the vehicle, then the marked Texas motor vehicle record information must be withheld pursuant to section 552.130 of the Government Code.

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, toll free, at (888) 672-6787.

Sincerely,



Paige Lay
Assistant Attorney General
Open Records Division

PL/dls

Ref: ID# 363101

Enc. Submitted documents

c: Requestor
(w/o enclosures)