



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 9, 2009

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

OR2009-15886

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# 365639 (DART ORR #6891).

Dallas Area Rapid Transit ("DART") received a request for a specified incident report. You state that some responsive information has been released to the requestor. You claim that portions of the submitted information are 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 [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. We have marked the Texas motor vehicle record information that is subject to 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." *Id.* § 552.136(b); *see id.* § 552.136(a) (defining "access device"). This office has determined insurance policy numbers are access device numbers for purposes of section 552.136. Accordingly, we have marked the insurance policy number that is subject to section 552.136 of the Government Code.

We note, however, 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 the insurance company of the owner of the vehicle at issue. Thus, the requestor may have a right of access to the information at issue pursuant to section 552.023 of the Government Code.<sup>1</sup> *See id.* § 552.023(a); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning self). Therefore, if the requestor is acting as the authorized representative of the owner of the vehicle at issue, the marked information may not be withheld from this requestor pursuant to section 552.130 or section 552.136. However, if the requestor is not the authorized representative of the owner of the vehicle, the marked information must be withheld pursuant to sections 552.130 and 552.136 of the Government Code.

In summary, if the requestor does not have a right of access to the information at issue pursuant to section 552.023 of the Government Code, then DART must withhold the information we have marked under sections 552.130 and 552.136 of the Government Code and the remaining submitted information must be released. If the requestor has a right of access to the information at issue pursuant to section 552.023 of the Government Code, then DART must release the submitted information in its entirety.

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,



Laura Ream Lemus  
Assistant Attorney General  
Open Records Division

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<sup>1</sup>Section 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).

Ref: ID# 365639

Enc. Submitted documents

c: Requestor  
(w/o enclosures)