



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 2, 2012

Mr. Brian Riemenschneider  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR2012-06398

Dear Mr. Riemenschneider:

This office received a request for review of the redaction of certain information subject to the Public Information Act (the "Act"), chapter 552 of the Government Code. The request for review was assigned ID# 450798 (DPS PIR # 12-0378).

The Texas Department of Public Safety (the "department") received a request for the identities, places of residence, and license statuses of Texas drivers and the identities of Travis and Williamson County drivers with the most alcohol-related convictions, as obtained from the department's driver's license database.<sup>1</sup> You state you will provide information pertaining to the number of convictions of Travis and Williamson County drivers to the requestor. You state the department determined the remaining requested information is subject to section 552.130(a) of the Government Code and withheld that information pursuant to section 552.130(c) without requesting a decision from this office.<sup>2</sup> Pursuant to section 552.130(d), the requestor has asked this office to review the information and consider her arguments. We have considered the submitted arguments and reviewed the submitted

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<sup>1</sup>You state the requestor modified her original request for information. *See* Gov't Code § 552.222(b) (governmental body may communicate with requestor for purpose of clarifying or narrowing request).

<sup>2</sup>The Texas legislature amended section 552.130 of the Government Code effective September 1, 2011, to allow a governmental body to redact the information described in subsections 552.130(a)(1) and (a)(3) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e).

representative sample of information.<sup>3</sup> We have also considered your response to our letter of April 20, 2012, seeking additional information required for our decision. *See* Gov't Code § 552.303 (providing for attorney general request for submission of additional information attorney general determines is necessary to render decision).

Initially, we note the requestor only seeks the identities, places of residence, and license statuses pertaining to drivers with the most alcohol-related convictions. Accordingly, the remaining submitted information is not responsive to the instant request. The department need not release non-responsive information in response to this request, and this ruling will not address that information.

Section 552.130 of the Government Code provides in relevant part:

(a) Information is excepted from [required public disclosure] if the information relates to:

(1) a motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country;

(2) a motor vehicle title or registration issued by an agency of this state or another state or country; or

(3) a personal identification document issued by an agency of this state or another state or country or a local agency authorized to issue an identification document.

(b) Information described by Subsection (a) may be released only if, and in the manner, authorized by Chapter 730, Transportation Code.

*Id.* § 552.130(a)-(b). Generally, under section 552.130, the department may release information relating to a driver's license only if, and in the manner, authorized by chapter 730 of the Transportation Code.

The purpose of chapter 730 of the Transportation Code, also known as the Motor Vehicle Records Disclosure Act, is to "protect the interest of an individual in the individual's personal privacy by prohibiting the disclosure and use of personal information contained in motor vehicle records, except as authorized by the individual or by law." Transp. Code

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<sup>3</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

§ 730.002. Section 730.003 of the Transportation Code provides that, for purposes of chapter 730:

(1) “Agency” includes any agency or political subdivision of this state, or an authorized agent or contractor of an agency or political subdivision of this state, that compiles or maintains motor vehicle records.

...

(4) “Motor vehicle record” means a record that pertains to a motor vehicle operator’s or driver’s license or permit, motor vehicle registration, motor vehicle title, or identification document issued by an agency of this state or a local agency authorized to issue an identification document. The term does not include:

(A) a record that pertains to a motor carrier; or

(B) an accident report prepared under Chapter 550 or 601 [of the Transportation Code].

...

(6) “Personal information” means information that identifies a person, including an individual’s photograph or computerized image, social security number, driver identification number, name, address, but not the zip code, telephone number, and medical or disability information. The term does not include:

(A) information on vehicle accidents, driving or equipment-related violations, or driver’s license or registration status; or

(B) information contained in an accident report prepared under Chapter 550 or 601.

*Id.* § 730.003(1), (4), (6). Section 730.004 provides as follows:

Notwithstanding any other provision of law to the contrary, including Chapter 552, Government Code, except as provided by Sections 730.005-730.007, an agency may not disclose personal information about any person obtained by the agency in connection with a motor vehicle record.

*Id.* § 730.004. Thus, except as provided by sections 730.005 through 730.007, section 730.004 does not permit the release of “personal information” obtained by an “agency” in connection with a “motor vehicle record.” We find that the department is an “agency” for purposes of chapter 730. *See id.* § 730.003(1). Furthermore, we find the information in the driver’s license database qualifies as “motor vehicle records,” as defined by section 730.003(4). The information at issue consists of names and addresses obtained from the driver’s license database. Thus, the names and addresses are “personal information” as defined by chapter 730. Section 730.007 of the Transportation Code enumerates the requestors who are eligible to receive information from the department. The requestor here is not one of the persons listed in section 730.007. Therefore, the department must withhold the names and addresses at issue. *See id.* § 730.004; *see also id.* §§ 730.005-.007.

Additionally, we note that the current status of the license is governed by sections 521.045 and 730.007 of the Transportation Code. Section 521.045 provides:

On receipt of a written request and payment of a \$4 fee, the department may disclose information relating to an individual’s date of birth, current license status, and most recent address, as shown in the department’s records, to a person who:

- (1) is eligible to receive the information under Chapter 730; and
- (2) submits to the department the individual’s driver’s license number or the individual’s full name and date of birth.

*Id.* § 521.045. As noted above, the requestor here is not one of the persons listed in section 730.007. Thus, the department must also withhold the requested license statuses pursuant to section 521.045 of the Transportation Code.

In summary, the department must withhold the requested names and addresses pursuant to section 730.004 of the Transportation Code and the requested license statuses pursuant to section 521.045 of the Transportation Code.

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 'Sarah Casterline', with a large, stylized flourish at the end.

Sarah Casterline  
Assistant Attorney General  
Open Records Division

SEC/som

Ref: ID# 450798

Enc. Submitted documents

c: Requestor  
(w/o enclosures)