



January 26, 2015

Ms. Michele Freeland
Legal Assistant
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR2015-01452

Dear Ms. Freeland:

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# 551332 (DPS PIR# 14-4136).

The Texas Department of Public Safety (the "department") received a request for information concerning the enforcement of commercial vehicle laws related to passenger buses in three counties during a specified period. The department released information responsive to the request but made redactions as permitted by section 552.136(c) of the Government Code without requesting a decision from this office. *See* Gov't Code § 552.136(c). Pursuant to section 552.136(d), the requestor has asked this office to review the information and render a decision as to whether it is excepted from disclosure under section 552.136. *See id.* § 552.136(d). We have considered the department's position and reviewed the information.

Section 552.136(b) of the Government Code provides, "[n]otwithstanding any other provision of [the Act], 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 concluded insurance policy numbers constitute access device numbers for purposes of section 552.136. Accordingly, the department must withhold the insurance policy numbers you redacted and the credit card information we marked under section 552.136 of the Government Code.

Section 552.137 of the Government Code provides, "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body is confidential and not subject to disclosure under [the Act]," unless the owner of the

e-mail address has affirmatively consented to its release or the e-mail address is specifically excluded by subsection (c).¹ *Id.* § 552.137(a)–(c). Accordingly, the department must withhold the personal e-mail addresses we marked under section 552.137 of the Government Code, unless the owners of the e-mail addresses consent to their release.

In summary, the department must withhold the insurance policy numbers you redacted and the credit card information we marked under section 552.136 of the Government Code. The department must withhold the personal e-mail addresses we marked under section 552.137 of the Government Code, unless the owners of the e-mail addresses consent to their release. The department must release the remaining information.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Neal Falgoust
Assistant Attorney General
Open Records Division

NF/ac

Ref: ID# 551332

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).