



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 7, 2015

Ms. Kerri L. Butcher  
Chief Counsel  
Capital Metropolitan Transportation Authority  
2910 East 5th Street  
Austin, Texas 78702

OR2015-06564

Dear Ms. Butcher:

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# 558934.

The Capital Metropolitan Transportation Authority (the "authority") received a request for information concerning a specified collision. The authority released information responsive to the request but made redactions as permitted by sections 552.130 and 552.136 of the Government Code without requesting a decision from this office. *See* Gov't Code §§ 552.130(c), .136(c). Pursuant to sections 552.130(d) and 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 sections 552.130 and 552.136. *Id.* §§ 552.130(d), .136(d). We have considered the authority's position and reviewed the information at issue.

Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle operator's or driver's license or permit and a motor vehicle title or registration issued by an agency of this state or another state or country. *Id.* § 552.130(a)(1), (2). Accordingly, the authority must withhold the information you redacted under section 552.130 of the Government Code.

The requestor asserts a right of access to motor vehicle record information under chapter 730 of the Transportation Code. *See* Transp. Code § 730.007(a) (personal information obtained in connection with motor vehicle record may be disclosed under certain circumstances).

Chapter 730 is applicable only to an “agency . . . that compiles or maintains motor vehicle records.” Transp. Code § 730.003(1). The authority is not an agency as defined by section 730.003(1). Therefore, chapter 730 does not apply, and we conclude the requestor does not have a right of access to this information pursuant to chapter 730 of the Transportation Code.

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.” Gov’t Code § 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 authority must withhold the insurance policy number you redacted under section 552.136 of the Government Code.

Section 552.101 of the Government Code excepts from public disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.”<sup>1</sup> *Id.* § 552.101. Section 552.101 encompasses common-law privacy, which protects information that is (1) highly intimate or embarrassing, the publication of which would be highly objectionable to a reasonable person, and (2) not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. *See id.* at 681–82. The types of information considered highly intimate or embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation*. *Id.* at 683. This office has concluded personal financial information not related to a financial transaction between an individual and a governmental body is protected by common-law privacy. *See* Open Records Decision Nos. 600 (1992), 545 (1990). Accordingly, the authority must withhold the name of the insurance company at issue under section 552.101 of the Government Code in conjunction with common-law privacy.

In summary, the authority must withhold the information you redacted under section 552.130 and section 552.136 of the Government Code. The authority must withhold the name of the insurance company at issue under section 552.101 of the Government Code in conjunction with common-law privacy. The authority 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.

---

<sup>1</sup>The 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).

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](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,

A handwritten signature in black ink, appearing to read "Neal Falgoust". The signature is written in a cursive style with a horizontal line at the end.

Neal Falgoust  
Assistant Attorney General  
Open Records Division

NF/bhf

Ref: ID# 558934

Enc. Submitted documents

c: Requestor  
(w/o enclosures)