



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 11, 2015

Ms. Catelyn H. Kostbar
Administrative Technician III
Legal Services Division
Harris County Appraisal District
P.O. Box 920975
Houston, Texas 77292-0975

OR2015-09162

Dear Ms. Kostbar:

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# 563361 (HCAD Internal Reference No. 15-1336).

The Harris County Appraisal District (the "district") received a request for the vehicle identification number of a vehicle listed on a specified district account.¹ You claim 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.

Initially, we note the requestor seeks a specified vehicle identification number. You have submitted additional information for our review which is not responsive to the present request for information. The district need not release the non-responsive information in response to this request, and this ruling will not address that information.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release. *See* Gov't Code § 552.130. We note section 552.130 protects

¹We note, and you acknowledge, the district failed to comply with the procedural requirements of section 552.301 of the Government Code in requesting a decision from this office. *See* Gov't Code § 552.301(b). Nonetheless, section 552.130 of the Government Code is a mandatory exception to disclosure that can provide a compelling reason to overcome the presumption of openness caused by the failure to comply with section 552.301. *See id.* §§ 552.007, .302. Thus, we will address the applicability of this exception to the submitted information, notwithstanding the district's violation of section 552.301.

privacy interests. In this instance, the requestor may be the authorized representative of the owner of the vehicle to which the responsive vehicle identification number pertains. If so, the requestor has a right of access to this information pursuant to section 552.023 of the Government Code. See *id.* § 552.023 (“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”); see Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself). Accordingly, if the requestor is the authorized representative of the owner of the vehicle at issue, then he has a right of access to the responsive vehicle identification number, which we have marked, pursuant to section 552.023, and this information may not be withheld from him under section 552.130 of the Government Code. However, if the requestor is not the authorized representative of the owner of the vehicle at issue, then the district must withhold the responsive vehicle identification number, which we have marked, under section 552.130 of the Government 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.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,



Alley Latham
Assistant Attorney General
Open Records Division

AKL/eb

Ref: ID# 563361

Enc. Submitted documents

c: Requestor
(w/o enclosures)