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ATTORNEY GENERAL OF TEXAS

June 29, 2015

Ms. Lindsey Wolf
General Counsel
Office of the Secretary of State
P.O. Box 12697
Austin, Texas 78711-2697

OR2015-12964

Dear Ms. Wolf:

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# 566899.

The Office of the Secretary of State (the "secretary's office") received a request for a specified "UCC acknowledgment filing." You state you have released some information to the requestor. You claim some of the information in the submitted financing statement is excepted from disclosure under sections 552.130 and 552.137 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information. We have also received and considered comments submitted by Corporation Service Company, People's United Equipment Finance Corporation, and a representative of the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit written comments regarding why information should or should not be released).

Initially, the secretary's office informs us the information at issue is contained in a financing statement filed pursuant to chapter 9 of the Business and Commerce Code. *See* Bus. & Comm. Code § 9.102(a)(39) (defining "financing statement" for purposes of chapter 9). We note section 9.523 of the Business and Commerce Code provides, in pertinent part:

(c) The filing office shall communicate or otherwise make available in a record the following information to any person that requests it:

...

(3) the information provided in each financing statement.

Id. § 9.523(c)(3); *see also id.* § 9.502(a) (specifying information required to be provided for a sufficient financing statement). We note the filing office, for purposes of the financing statement at issue, is the secretary's office. *See id.* §§ 9.102(a)(37), .501(a)(2). Therefore, section 9.523 requires the secretary's office to communicate or otherwise make available the information provided in each financing statement to any person that requests it. Although you seek to withhold a portion of the submitted financing statement under section 552.137 of the Government Code, as a general rule, statutes governing the release of specific information prevail over the general exceptions to disclosure found in the Act. *See* Attorney General Opinion DM-146 at 3 (1992); *see also* Open Records Decision Nos. 613 at 4 (1993) (exceptions in Act cannot impinge on statutory right of access to information), 451 (1986) (specific statutory right of access provisions overcome general exceptions to disclosure under the Act). Thus, the secretary's office may not withhold any information in the submitted financing statement under section 552.137 of the Government Code.

We note, however, some of the information the secretary's office seeks to withhold in the financing statement consists of motor vehicle record information subject to section 552.130 of the Government Code. 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. Gov't Code § 552.130. Although, as previously stated, a specific statutory right of access prevails over general exceptions to disclosure under the Act, because section 552.130 has its own access provisions, we conclude section 552.130 is not a general exception under the Act. Accordingly, the motor vehicle record information at issue is generally confidential under section 552.130 of the Government Code. Because some of the submitted information is specifically protected from public disclosure by section 552.130 of the Government Code, we find there is a conflict between section 552.130 and the access provided under section 9.523(c)(3) of the Business and Commerce Code.

Where general and specific statutes are in irreconcilable conflict, the specific provision typically prevails as an exception to the general provision, unless the general provision was enacted later and there is clear evidence the legislature intended the general provision to prevail. *See id.* § 311.026(b); *see also City of Lake Dallas v. Lake Cities Mun. Util. Auth.*, 555 S.W.2d 163, 168 (Tex. Civ. App.—Fort Worth 1977, writ ref'd n.r.e.). Section 9.523(c)(3) of the Business and Commerce Code governs the release of information provided in a financing statement filed with a filing office pursuant to chapter 9 of the Business and Commerce Code, while section 552.130 generally excepts motor vehicle record information maintained in any context. Thus, we conclude the access provided under section 9.523(c)(3) is more specific than the general confidentiality provided under section 552.130. Accordingly, the secretary's office may not withhold the information under section 552.130. As you make no further arguments against disclosure of the information at issue in the submitted financing statement, the secretary's office must release it.

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,



Meredith L. Coffman
Assistant Attorney General
Open Records Division

MLC/dls

Ref: ID# 566899

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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