



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 20, 2015

Mr. Charles H. Weir
Assistant City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

OR2015-14774

Dear Mr. Weir:

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# 572084 (PIR # 077189).

The City of San Antonio (the "city") received a request for entries made into a specified notary public book during a specified period of time. You claim the submitted information is excepted from disclosure under section 552.130 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released).

Initially, you acknowledge the submitted information consists of the notary public book of an employee of the city. Section 406.014 of the Government Code provides, in part:

¹Although the city failed to comply with the requirements of section 552.301 of the Government Code in asking this office for a ruling, we note section 552.130 of the Government Code can provide a compelling reason for not disclosing information to the public. *See* Gov't Code § 552.302.

(b) Entries in the notary's book are public information.

(c) A notary public shall, on payment of all fees, provide a certified copy of any record in the notary public's office to any person requesting the copy.

Id. § 406.014(b)-(c). Information contained in a notary book is expressly made public by section 406.014 of the Government Code. However, you claim a portion of this information is excepted from disclosure under section 552.130 of the Government Code. Section 552.130 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. *Id.* § 552.130. A specific statutory right of access prevails over general exceptions to disclosure under the Act. *See* 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 exception to disclosure under the Act). However, 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 in the submitted information 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, we find there is a conflict between this provision and the access provided under section 406.014 of the Government 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 406.014 governs the release of entries in a notary public's book, while section 552.130 generally excepts motor vehicle record information maintained in any context. Thus, we conclude the access provided under section 406.014 is more specific than the general confidentiality provided under section 552.130. Accordingly, the city may not withhold the information under section 552.130 of the Government Code. Thus, the city must release the submitted 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,

A handwritten signature in cursive script that reads "Katelyn Blackburn-Rader". The signature is written in black ink and is positioned above the typed name.

Katelyn Blackburn-Rader
Assistant Attorney General
Open Records Division

KB-R/dls

Ref: ID# 572084

Enc. Submitted documents

c: Requestor
(w/o enclosures)