



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

January 7, 2016

Mr. Vance Hinds  
Assistant County & District Attorney  
County of Ellis  
109 South Jackson  
Waxahachie, Texas 75165

OR2016-00508

Dear Mr. Hinds:

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# 593182.

The Ellis County Sheriff's Office (the "sheriff's office") received a request for information pertaining to a specific accident. The sheriff's office claims the submitted information is excepted from disclosure under sections 552.130, 552.136, and 552.1085 of the Government Code. We have considered the exceptions the sheriff's office claims and reviewed the submitted 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 privacy, which is a personal right that lapses at death; thus section 552.130 is not applicable to the deceased individual's driver's license. *See Moore v. Charles B. Pierce Film Enters., Inc.*, 589 S.W.2d 489, 491 (Tex. App.—Texarkana 1979, writ ref'd n.r.e.); *see also* Attorney General Opinions JM-229 (1984) ("the right of privacy lapses upon death"), H-917 (1976) ("We are . . . of the opinion that the Texas courts would follow the almost uniform rule of other jurisdictions that the right of privacy lapses upon death."); Open Records Decision No. 272 at 1 (1981) (privacy rights lapse upon death). Further, some of the information the sheriff's office has marked is not of the type made confidential under section 552.130, and

thus, it may not be withheld on that basis. Accordingly, with the exception of the information we have marked for release, the sheriff's office must withhold the motor vehicle record information it has marked, and the additional motor vehicle record information we have marked and indicated, under section 552.130 of the Government Code.

Section 552.136 of the Government Code states "notwithstanding 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 determined insurance policy numbers are access device numbers for purposes of section 552.136. *See* Open Records Decision No. 684 at 9 (2009). However, the information we have marked for release is not of the type made confidential under section 552.136 and thus, the sheriff's office may not withhold it on that ground. Accordingly, with the exception of the information we have marked for release, the sheriff's office must withhold the information it has marked under section 552.136 of the Government Code.

Section 552.1085 of the Government Code provides, in part:

(c) A sensitive crime scene image in the custody of a governmental body is confidential and excepted from the requirements of Section 552.021 and a governmental body may not permit a person to view or copy the image except as provided by this section. This section applies to any sensitive crime scene image regardless of the date that the image was taken or recorded.

Gov't Code § 552.1085(c). For purposes of section 552.1085, "sensitive crime scene image" means "a photograph or video recording taken at a crime scene, contained in or part of a closed criminal case, that depicts a deceased person in a state of dismemberment, decapitation, or similar mutilation or that depicts the deceased person's genitalia." *See id.* § 552.1085(a)(6). Upon review, we find none of the remaining information consists of sensitive crime scene images for the purposes of section 552.1085. Accordingly, the sheriff's office may not withhold any of the remaining information under section 552.1085(c) of the Government Code.

In summary, with the exception of the information we have marked for release, the sheriff's office must withhold the motor vehicle record information it has marked, and the additional motor vehicle record information we have marked and indicated, under section 552.130 of the Government Code. With the exception of the information we have marked for release, the sheriff's office must withhold the information it has marked under section 552.136 of the Government Code. The remaining information must be released.

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](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,



Rahat Huq  
Assistant Attorney General  
Open Records Division

RSH/som

Ref: ID# 593182

Enc. Submitted documents

c: Requestor  
(w/o enclosures)