



March 22, 1999

Mr. Kenneth A. Stewart  
Assistant General Counsel  
Department of Public Safety  
P. O. Box 4087  
Austin, Texas 78773-0001

OR99-0792

Dear Mr. Stewart:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 122887.

The Department of Public Safety (the “department”) received a request for a listing of individuals whose drivers’ licenses have been suspended in the past six months due to civil judgments rendered against the driver. You assert that the department is not required to provide the requestor this information pursuant to section 521.051 of the Transportation Code, which provides that the department “may not disclose class-type listings from the basic driver’s license file to any person” except in certain situations as set out in section 521.049(c) of the Transportation Code. You assert that section 521.049(c), which provides that the department may make class-type listings available “to an official of the United States, the state, or a political subdivision of this state for governmental purposes only,” is inapplicable here.

In Open Records Decision No. 618 (1993), this office determined that the purpose of the predecessor statute to section 521.051 “appears to be to relieve the department of the administrative burden of compiling a list based primarily on location and existence of traffic convictions, *i.e.*, a class type list, when the requestor does not have the individuals driver’s license numbers or names.”<sup>1</sup> *Id.* at 3. We agreed that the provision limits access when the

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<sup>1</sup>We noted in that decision that while the provision restricts access to class listings, it does not make the information confidential by law under section 552.101 of the Government Code. Open Records Decision No. 618 at 3 (1993), N. 3.

requestor seeks license listings by specific type, such as “a list of those who might be subject to administrative hearings to suspend their license.” *Id.*

You provided representative samples of the type of information at issue, which you contend is a class-type listing that the department may not provide the requestor. We have reviewed the information at issue and your arguments, and agree that the department may not provide the requested information, though we note that the requestor may be able to locate this information through public court records.<sup>2</sup> *See* Open Records Decision No. 618 at 4 (1993).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 122887

Enclosures: Submitted documents

cc: Mr. Peter D. Kennedy  
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(w/o enclosures)

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<sup>2</sup>We note also that section 411.135 of the Government Code provides public access to certain information that is a court record and that relates to a criminal conviction or deferred adjudication of a felony offense.