



June 25, 1999

Ms. Tracy Calabrese
Assistant City Attorney
City of Houston
Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR99-1779

Dear Ms. Calabrese:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 125175.

The City of Houston (the "city") received a request for the entire electronic database that the Houston Police Department maintains for "accident records." You submit to this office a representative sample of the responsive information and claim that portions of the requested information are excepted from disclosure under section 552.101 in conjunction with section 552.130 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

The requestor indicates that he made previous requests for the same information.² You represent, and the representative sample indicates, that the database includes driver's license and motor vehicle title or registration information. Section 552.130 of the Government Code governs the release and use of information obtained from motor vehicle records. It provides in relevant part as follows:

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit a representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

²We do not have the information necessary to determine the date of the requestor's previous requests. However, in this case, if the city failed to request a ruling within ten business days of the date of the request, the presumption that the information at issue is public would be overcome because the protection of section 552.130 is a compelling reason for nondisclosure.

(a) Information is excepted from the requirement of Section 552.021 if the information relates to:

(1) a motor vehicle operator's or driver's license or permit issued by an agency of this state;

(2) a motor vehicle title or registration issued by an agency of this state[.]

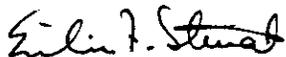
* * * *

(b) Information described by Subsection (a) may be released only if, and in the manner, authorized by Chapter 730, Transportation Code.

Gov't Code § 552.130. You have marked the information that you contend must be withheld pursuant to section 552.130. As you have noted, the names of the drivers are public information. Your markings are correct except that you have marked a license plate number and driver's license number issued by another state. Section 552.130 covers only licenses, permits, titles, and registrations issued by an agency of this state. You have marked a driver's license number and a license plate number issued by the state of Arkansas. Because these numbers are issued by another state, they are not protected from public disclosure by section 552.130. With the exception of the information from the out-of-state license plate and driver's license, you must withhold the types of information that you have marked pursuant to section 552.130.

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,



Emilie F. Stewart
Assistant Attorney General
Open Records Division

EFS\nc

Ref: ID# 125175

Encl: Submitted documents

cc: Mr. Steve Hayden
President
HDR
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(w/o enclosures)