



October 11, 1999

Ms. Lisa Aguilar
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78711-2548

OR99-2897

Dear Ms. Aguilar:

You ask whether certain information is subject to required public disclosure under the, Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 128876.

The City of Corpus Christi (the "city") received a request for the application for a certificate to operate a taxicab service in the city of the Branscom Transportation Company. You inform us that the city released to the requestor portions of the requested information. You assert that sections 552.101 and 552.130 of the Government Code except portions of the information from required public disclosure.

Section 552.130 of the Government Code provides as follows

(a) Information is excepted from [required public disclosure] 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; or

(3) a personal identification document issued by an agency of this state or a local agency authorized to issue an identification document.

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

Chapter 730 does not authorize the release of the requested information. We agree that section 552.130 applies to the following motor vehicle information: model year, make, current license number and vehicle number. Section 552.130 does not apply to the color scheme and cab number or the applicant's home address and home telephone number.

You also raise section 552.101 and express concerns for the applicant's privacy and property rights. Section 552.101 of the Government Code excepts from required public disclosure information considered to be confidential by law, including information made confidential by judicial decision. This exception applies to information made confidential by the common-law right to privacy. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Information may be withheld under section 552.101 in conjunction with the common-law right to privacy if the information contains highly intimate or embarrassing facts about a person's private affairs such that its release would be highly objectionable to a reasonable person and if the information is of no legitimate concern to the public. *See id.* We conclude that the release of the information at issue does not implicate the applicant's privacy rights. Furthermore, the information on its face is not information the PIA excepts from required public disclosure as proprietary information. Gov't Code § 552.110; *see Birnbaum v. Alliance of Am. Insurers*, 994 S.W.2d 766 (Tex. App. - Austin 1999, pet. filed) (holding that *National Parks* is not a judicial decision within the meaning of section 552.110), Open Records Decision No. 541 (1990).

In conclusion, the city must release the requested information with the exception of the information we have delineated above as excepted from required public disclosure under section 552.130 of the Government Code.

We are resolving this matter with this 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 may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Kay H. Hastings
Assistant Attorney General
Open Records Division

KHH/nc

Ref.: ID# 128876

encl. Submitted documents

cc: Mr. Hal George
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(w/o enclosures)