



November 22, 1999

Mr. Duncan R. Fox
Assistant Chief
Department of Public Safety
P.O. Box 4087
Austin, Texas 78783-0001

OR99-3356

Dear Mr. Fox:

You have asked 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# 128985.

The Texas Department of Public Safety (the "department") received a request for "all driver's license photographs and/or negatives of same that you have on" a specified individual identified by name, date of birth, and social security number. In response to the pending request, you have submitted copies of Texas drivers' license identification cards. You claim that the requested information is excepted from disclosure pursuant to sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and have reviewed the information at issue.

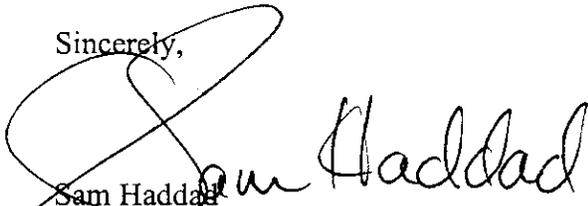
Based on section 552.130 information is excepted from disclosure if it relates to a motor vehicle driver's license or a personal identification document issued by a state agency. This type of information may be released only as provided under chapter 730 of the Transportation Code. Gov't Code § 552.130(b). In this instance, we believe that the applicable provision at issue in the pending request is section 730.004 of the Transportation Code which provides:

Notwithstanding any other provision of law to the contrary, including Chapter 552, Government Code, except as provided by Sections 730.005-730.008, an agency¹ may not disclose personal information about any person obtained by the agency in connection with a motor vehicle record.² (footnotes added).

The information at issue is "personal information" under chapter 730. *See* Transp. Code § 730.003(6) (defining "personal information" to include individual's photograph or computerized image). We understand that the department obtained the personal information at issue "in connection with a motor vehicle record." Under these circumstances, chapter 730 governs the release of the requested information. In this instance, it does not appear that any of the release provisions in chapter 730 are applicable here. *See* Transp. Code §§ 730.005.-007. Based on the requested information and the applicable provision, we conclude that the submitted responsive drivers' license identification cards must be withheld under section 730.004 of the Transportation Code.

As we resolve your request under section 730.004 of the Transportation Code, we need not address your other claimed exception at this time. 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,



Sam Haddad
Assistant Attorney General
Open Records Division

¹We have previously determined that the department is an "agency" for purposes of chapter 730 of the Transportation Code. *See* Transp. Code § 730.003(1) (defining "agency"); Open Records Letter No. 98-3109 (1998).

²A "motor vehicle record" is defined as "a record that pertains to a motor vehicle operator's or driver's license or permit, motor vehicle registration, motor vehicle title, or identification document issued by an agency of this state or a local agency authorized to issue an identification document," but "[t]he term "does not include a record that pertains to a motor carrier." *See* Transp. Code § 730.003(4).

SH/nc

Ref.: ID# 128985

Encl. Submitted documents

cc: Ms. Lisa Voigt
Jones Kurth & Andrews
10100 Reunion Place, Suite 600
San Antonio, Texas 78216
(w/o enclosures)