



April 18, 2000

Ms. Janice Marie Wilson  
Associate General Counsel  
Texas Department of Transportation  
P.O. Box 2293  
Austin, Texas 78768

OR2000-1549

Dear Ms. Wilson:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 134553.

The Department of Transportation ("TxDOT") received a request for "a list of individuals who purchased new vehicles from January 1, 1999, through the present in the state of Texas." After submitting a request for decision to this office, the department also received, from the same requestor, a request for "a list of individuals (name only) residing in Jefferson County, Texas, who purchased a new vehicle from January 1, 1999, through the present."<sup>1</sup> You claim that the information is excepted from disclosure under section 552.130 of the Government Code. We have considered the exception you claim and reviewed the submitted information.<sup>2</sup>

Section 552.130 provides in pertinent part 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; [or]

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<sup>1</sup>This second request appears to seek a subset of the information previously requested. Therefore, this ruling addresses the information sought in both requests.

<sup>2</sup>In reaching our conclusion here, we 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). 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.

(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.

We believe that the information you submitted relates to motor vehicle registrations under section 552.130; therefore, the information must be withheld. However, as you correctly note in your brief, "personal information" included in the submitted information may be subject to disclosure to a requestor under chapter 730 of the Transportation Code. *See e.g., id.*, §§ 730.003 (definitions), 730.005 - 730.009 (required and permitted disclosures under chapter), 730.011 (fees). In this case, the Transportation Code does not appear to authorize the release of the information at issue.

This letter ruling is limited to the particular records 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 records or any other circumstances.

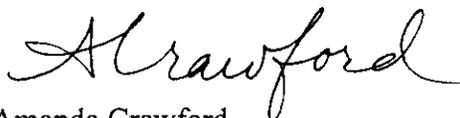
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in cursive script that reads "A Crawford".

Amanda Crawford  
Assistant Attorney General  
Open Records Division

AEC/nc

Ref: ID# 134553

Encl. Submitted documents

cc: Ms. Janney Gordon  
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(w/o enclosures)