



May 31, 2000

Ms. Janice Marie Wilson
Associate General Counsel
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701-2483

OR2000-2120

Dear Ms. Wilson:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 135727.

The Department of Transportation (the "department") received a request for vehicle titles transferred into salvage/junk certificates of title by State Farm Insurance Company during the last six months of 1999.¹ You claim that the requested information is excepted from disclosure under section 552.130 of the Government Code, chapter 730 of the Transportation Code, and the federal Driver's Privacy Protection Act, 18 U.S.C. 2721-2725. We have considered the exceptions you claim and have reviewed the submitted representative sample of information.²

Section 552.130 of the Open Records Act governs the release of information obtained from motor vehicle records. Section 552.130 provides in relevant part as follows:

¹The initial open records request sought "titles transferred into junk/salvage certificates of title by State Farm Insurance, Allstate Insurance, and Farmers Insurance." This request was subsequently narrowed.

²In 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) (where requested documents are numerous and repetitive, governmental body should submit 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.

* * *

(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.

The information submitted in your representative sample pertains to motor vehicle titles or registrations issued by an agency of this state. Therefore, under section 552.130, the department may release the requested information only if the release of such information is authorized by chapter 730 of the Transportation Code.

Section 730.004 of the Transportation Code provides:

Notwithstanding any other provisions of law to the contrary, including chapter 552, Government Code, except as provided by Sections 730.005 – 730.008, an agency may not disclose personal information about any person obtained by the agency in connection with a motor vehicle record.

Section 730.003 provides that, for purposes of chapter 730 of the Transportation Code:

(1) “Agency” includes any agency of this state, or an authorized agent or contractor of an agency of this state, that compiles or maintains motor vehicle records.

(4) “Motor vehicle record” means 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. The term does not include a record that pertains to a motor carrier.

(6) “Personal information” means information that identifies a person, including an individual’s photograph or computerized image, social security number, driver identification number, name, address, but not zip code, telephone number, and medical or disability information. The term does not

(6) “Personal information” means information that identifies a person, including an individual’s photograph or computerized image, social security number, driver identification number, name, address, but not zip code, telephone number, and medical or disability information. The term does not include information on vehicle accidents, driving or equipment-related violations, or driver’s license or registration status.

Transp. Code § 730.003(1), (4), (6).

We find that the information at issue constitutes “personal information” in connection with a “motor vehicle record” held by the department which is an “agency.” Therefore, the information falls under section 730.004. Consequently, as prescribed by section 552.130, release of the requested information is controlled by chapter 730 of the Transportation Code. It is not apparent, and you do not assert, that any of the exceptions to confidentiality afforded by chapter 730 apply. *See* Transp. Code §§ 730.005 - 730.008. The department must withhold the requested information in accordance with Government Code section 552.130 and Transportation Code chapter 730.

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.

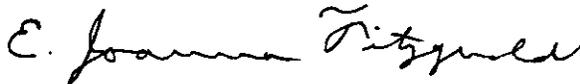
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov’t Code § 552.301(f). If the governmental body wants to challenge 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.

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 "E. Joanna Fitzgerald".

E. Joanna Fitzgerald
Assistant Attorney General
Open Records Division

EJF/CHS/ljp

Ref: ID# 135727

Encl. Submitted documents

cc: Ms. Donna Ressler
Fox 4
400 North Griffin
Dallas, Texas 75202
(w/o enclosures)