



June 1, 2000

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

OR2000-2129

Dear Ms. Wilson:

You ask 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# 136700.

The Department of Transportation (the "department") received a request for a list of new car buyers for specified counties. You contend that the requested information is excepted from disclosure under the act by section 552.130 thereof. You have submitted representative samples of the information responsive to the request.¹

Section 552.130 provides:

(a) Information is excepted from the requirements 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 the state;
- (2) a motor vehicle title or registration issued by an agency of this state; or

¹In reaching our conclusion, 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 No. 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 those submitted to this office.

(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.

We agree that the requested information relates to motor vehicle titles and registrations under section 552.130(a)(2) and is thus excepted from disclosure under the act by those provisions. Per subsection (b) of section 552.130, the requested information may be disclosed only as provided by 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). *See also* Gov't Code §552.222(c). (Officer for public information receiving request for motor vehicle records may require identifying information sufficient to determine whether requestor is eligible to receive information under chapter 730 of the Transportation Code).

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.

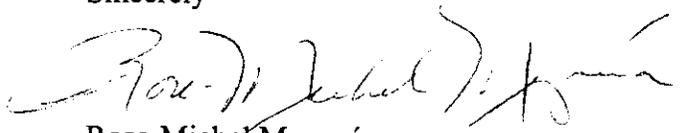
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge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



Rose-Michel Munguía
Assistant Attorney General
Open Records Division

RMM/WMW/ljp

Ref: ID#136700

Encl. Submitted documents

cc: Ms. Betsy Keen
Ram AutoSound & Security
819 West Palestine Avenue
Palestine, Texas 75801
(w/o enclosures)