



October 3, 2001

Ms. Myrna S. Reingold  
Galveston County Legal Department  
4127 Shearn Moody Plaza  
123 Rosenberg  
Galveston, Texas 77550-1454

OR2001-4449

Dear Ms. Reingold:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 152737.

The Galveston County Legal Department (the "county") received a written request for the requestor's personnel file. You indicate that most of the requested information will be made available to the requestor. You contend, however, that certain motor vehicle records contained in the requestor's personnel file are excepted from required public disclosure pursuant to sections 552.101 and 552.130 of the Government Code.

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You raise section 552.101 of the Government Code in conjunction with chapter 730 of the Transportation Code. In this regard, we note that section 552.130 of the Government Code governs the release and use of information obtained from motor vehicle records. Section 552.130 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.* [Emphasis added.]

The information at issue consists of the types of information described by section 552.130(a)(2). We therefore must determine whether the release of any of the information described by this subsection is authorized under chapter 730 of the Transportation Code. *See also* Gov. Code § 502.008(d) (county assessor-collector may release motor vehicle registration information only in accordance with Transp. Code chapter 730).

Section 730.004 of the Transportation Code prohibits the release of “personal information” about any person obtained in connection with a motor vehicle record by an agency that maintains or compiles motor vehicle records, except under certain circumstances not present here.<sup>1</sup> In this regard, we believe that the county’s Tax Assessor, which compiled and maintained the records at issue, is an “agency” of the state for purposes of section 730.004. *See* Transp. Code § 730.003(1) (defining “agency”). Accordingly, we conclude that the county must withhold all “personal information” contained in the records at issue pursuant to section 730.004 of the Transportation Code. Furthermore, chapter 730 does not authorize the release of any of the remaining information contained in the motor vehicle records. Consequently, the motor vehicle records must be withheld in their entirety in accordance with section 552.130(b) of the Government 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

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<sup>1</sup>“Personal information” is defined as including an individual’s social security number, driver identification number, name, address, and telephone number. *See* Transp. Code § 730.003(6).

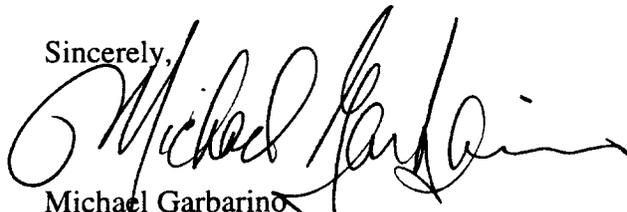
statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records 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).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the General Services Commission at 512/475-2497.

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,



Michael Garbarino  
Assistant Attorney General  
Open Records Division

MG/RWP/seg

Ref: ID# 152737

Enc. Submitted documents

c: Ms. Linda Schultz  
5602 Lafitte  
Galveston, Texas 77551  
(w/o enclosures)