



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 9, 2003

Mr. Brett Bray  
Division Director  
Texas Department of Transportation  
P.O. Box 2293  
Austin, Texas 78768

OR2003-8829

Dear Mr. Bray:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 192419.

The Texas Department of Transportation (the "department") received a request for the proposed final decision and petition relating to a particular docket number. You ask whether section 552.130 of the Government Code prohibits the department from releasing a portion of the requested information. We have considered your arguments and have reviewed the information you submitted.

Section 552.130 of the Government Code provides:

(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.

Gov't Code § 552.130 (emphasis added).

You argue that motor vehicle identification numbers (“VINs”) should not be withheld under this provision. You also contend that “[t]he information imparted by a VIN is simply not the type of information intended to be covered by Chapter 730 and the statutes the chapter implements. It is therefore reasonable to assume that the [department] may disclose VINs by themselves.”

Despite your arguments, a VIN is information that “relates to . . . a motor vehicle title or registration issued by an agency of this state.” *See* Transp. Code § 501.021(a)(4) (requiring that certificate of title include VIN). Thus, the VINs at issue are excepted from disclosure under section 552.130 of the Government Code to the extent they pertain to vehicles for which an agency of this state has issued title or registration. You do not inform us, nor are we otherwise aware, that any provision of chapter 730 of the Transportation Code authorizes release of the VINs in this instance. We therefore conclude that section 552.130 requires the department to withhold the VINs contained in the submitted documents to the extent that they pertain to vehicles for which an agency of this state has issued title or registration.

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

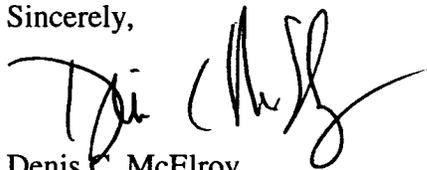
of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

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 Dep't of Pub. 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 Texas Building and Procurement 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. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. 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,



Denis C. McElroy  
Assistant Attorney General  
Open Records Division

DCM/lmt

Ref: ID# 192419

Enc. Submitted documents

c: Ms. Casey Leal  
181 FM 1922  
Floresville, Texas 78114  
(w/o enclosures)