



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 2, 2004

Ms. Jennifer Soldano
Associate General Counsel
Texas Department of Transportation
125 E. 11th Street
Austin, Texas 78701-2483

OR2004-5432

Dear Ms. Soldano:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 204652.

The Texas Department of Transportation (the "department") received a request for a list of each license plate number with the designation "State Judge" issued to a judge of a district court, court of appeals, or supreme court, or a senior judge of a district court since 2003. You claim that the requested information is excepted from disclosure under section 552.130 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

Initially, we note that some of the submitted information is not responsive to the request for information. Accordingly, this ruling does not address the public availability of this particular information, and the department need not release it to the requestor in response to this ruling.

We now address your assertion that the requested license plate numbers are excepted under section 552.130 of the Government Code. Section 552.130 provides the following:

(a) Information is excepted from the requirement of Section 552.021 if the information relates to:

¹We 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.

(1) a motor vehicle operator's or driver's license or permit issued by an agency of this state; [or]

(2) a motor vehicle title or registration issued by an agency of this state[.]

(b) Information describe by Subsection (a) may be released only if, and in the manner, authorized by Chapter 730, Transportation Code.

The requested information consists of Texas license plate numbers; therefore, this information is excepted from release under section 552.130.

You also ask that we issue a previous determination permitting the department to withhold Texas license plate numbers under section 552.130 of the Government Code without the necessity of again seeking a decision from this office. Having considered your request, we decide that this letter ruling shall serve as a previous determination under section 552.301(a) for such information. We note that section 552.130 protects the privacy of the individual to whom the information relates; therefore, a license plate number belonging to a person must be released to that person or person's authorized representative. *See* Gov't Code § 552.023 (person or person's authorized representative has a special right of access to information that is protected by laws intended to protect person's privacy). We also note that the protections of section 552.130 lapse upon death; thus, the department may not withhold the license plate number of a deceased person. *See generally* Attorney General Opinion H-917 at 3-4 (1976). *See also* Open Records Decision No. 272 at 1 (1981). So long as the elements of law, fact, and circumstances do not change so as to no longer support the findings set forth above, the department need not ask for a decision from this office again with respect to Texas license plate numbers requested of the department. *See* Open Records Decision 673 at 7 (2001).

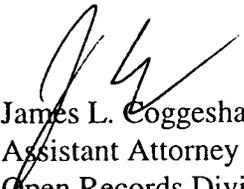
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on 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 of 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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/krl

Ref: ID# 204652

Enc. Submitted documents

c: Ms. G. Jessica Diaz-Ramos
3401 Louisiana Street, Suite 238
Houston, Texas 77002
(w/o enclosures)