



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 1, 2008

Ms. Heather Silver  
Assistant City Attorney  
City of Dallas  
City Attorney's Office  
1500 Marilla Street, Room 7DN  
Dallas, Texas 75201

OR2008-01483

Dear Ms. Silver:

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# 300998.

The City of Dallas (the "city") received a request for information pertaining to a possible red light violation. You state that you have released some of the requested information. You claim that the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the information you have submitted.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information protected by federal statutes. Section 2721 of title 18 of the United States Code provides in pertinent part:

(a) In general.— A State department of motor vehicles, and any officer, employee, or contractor thereof, shall not knowingly disclose or otherwise make available to any person or entity:

(1) personal information, as defined in 18 U.S.C. 2725(3), about any individual obtained by the department in connection with a motor vehicle record, except as provided in subsection (b) of this section; or

(2) highly restricted personal information, as defined in 18 U.S.C. 2725(4), about any individual obtained by the department in connection with a motor vehicle record, without the express consent of the person to whom such information applies, except uses permitted in subsections (b)(1), (b)(4), (b)(6), and (b)(9)[.]

(b) Permissible uses.— Personal information referred to in subsection (a) shall be disclosed for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recall, or advisories, . . . may be disclosed as follows:

(1) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions.

(c) Resale or redisclosure.— An authorized recipient of personal information (except a recipient under subsection (b)(11) or (12)) may resell or redisclose the information only for a use permitted under subsection (b) (but not for uses under subsection (b)(11) or (12)) . . . . Any authorized recipient (except a recipient under subsection (b)(11)) that resells or rediscloses personal information covered by this chapter must keep for a period of 5 years records identifying each person or entity that receives information and the permitted purpose for which the information will be used and must make such records available to the motor vehicle department upon request.

18 U.S.C. § 2721(a), (b), (c). Motor vehicle record is defined as “any record that pertains to a motor vehicle operator’s permit, motor vehicle title, motor vehicle registration, or identification card issued by a department of motor vehicles.” *Id.* § 2725(1). You state that the city contracts with a third party, ACS State & Local Solutions, Inc. (“ACS”), to “provide hosting and associated services to support the outsourcing of the operations and maintenance of computer applications forming a red light camera enforcement hosted system.” We understand that the city obtains license plate numbers, which are captured by red light cameras, of vehicles that proceed through intersections against the red light. You indicate that ACS then uses the license plate numbers to obtain additional motor vehicle record information from the Texas Department of Transportation (“TXDOT”). We note that TXDOT is a department under section 6 of title 18 of the United States Code that obtains or compiles motor vehicle records. We further note that personal information includes an individual’s name and address, but not the zip code. *See id.* § 2725(3). Accordingly, we find that, by obtaining motor vehicle information from TXDOT to assist the city in carrying out its functions, ACS is an authorized recipient of personal information for purposes of

section 2721. *See id.* § 2721(b)(1) (authorized recipient includes a private entity acting on behalf of a government agency in carrying out the agency's functions).

Based upon your representations and our review of the information at issue, we conclude that the name and address of the owner of the Texas registered vehicle in Exhibit D, which consists of a citation, was obtained from TXDOT by an authorized recipient; therefore, this information is confidential under section 2721 of title 18 of the United States Code. Accordingly, as we have no indication that release of this information to the requestor would be for a use permitted under section 2721(b), we conclude that the highlighted owner's name and address in the submitted citation must be withheld under section 552.101 of the Government Code. The remaining highlighted information, including the state of registration and the owner's zip code, does not consist of personal information for the purposes of section 2725(3). Therefore, this information may not be withheld under section 552.101 in conjunction with section 2721 of title 18 of the United States Code.

You claim that some of the remaining submitted information is excepted from public disclosure under section 552.130 of the Government Code. Section 552.130 excepts from disclosure information that "relates to . . . a motor vehicle operator's or driver's license or permit issued by an agency of this state [or] a motor vehicle title or registration issued by an agency of this state." Gov't Code § 552.130. The city must withhold the license plate numbers that we have marked in the citation under section 552.130. Exhibit B consists of a video recording that includes Texas license plate numbers, which are subject to section 552.130. Accordingly, the city must withhold the license plate numbers in the submitted video recording under section 552.130 of the Government Code. As you state that the city lacks the technical capability to redact this information from the video recording, it must withhold this recording in its entirety.<sup>1</sup> *See* Open Records Decision No. 364 (1983).

In summary, the highlighted owner's name and address in Exhibit D are confidential under section 2721 of title 18 of the United States Code and must be withheld under section 552.101 of the Government Code. The city must also withhold the marked license plate number in Exhibit D and the entirety of Exhibit B under section 552.130 of the Government Code. The remaining submitted information must be released to the requestor.

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

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<sup>1</sup>As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.

governmental body wants to challenge this ruling, the governmental body must file suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such a challenge, 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).

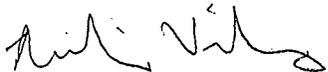
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, 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 challenge 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 Office of the Attorney General 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,



Melanie J. Villars  
Assistant Attorney General  
Open Records Division

MJV/jh

Ref: ID# 300998

Enc. Submitted documents

c: Ms. Tiffany  
P.O. Box 821984  
North Richland Hills, Texas 76182  
(w/o enclosures)