



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

January 26, 2009

Ms. Michelle L. Villarreal
Assistant City Attorney
City of Waco
P.O. Box 2570
Waco, Texas 76702-2570

OR2009-00972

Dear Ms. Villarreal:

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# 337194 (LGL-08-1217).

The Waco Police Department (the "department") received a request for a specified report. You indicate that some of the information either has been or will be released. You claim that other responsive information is excepted from disclosure under section 552.130 of the Government Code. We have considered the exception you claim and reviewed the information you submitted.

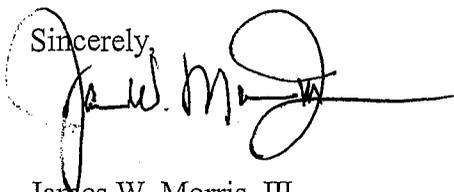
Section 552.130 of the Government Code excepts from public disclosure information relating to a motor vehicle operator's or driver's license or permit or a motor vehicle title or registration issued by an agency of this state. *See Gov't Code § 552.130(a)(1)-(2)*. You have marked Texas driver's license numbers, license plate numbers, license plate years, and vehicle identification numbers that the department seeks to withhold under this exception. We have marked an additional Texas driver's license number that is subject to this exception. We note that section 552.130 protects privacy, which is a personal right that lapses at death. *See Moore v. Charles B. Pierce Film Enters., Inc.*, 589 S.W.2d 489, 491 (Tex. App.—Texarkana 1979, writ ref'd n.r.e.); Open Records Decision No. 272 at 1 (1981). In this instance, the submitted report is related to a motor vehicle accident in which the individual listed as the victim was killed. Therefore, the victim's driver's license number may not be withheld under section 552.130. Moreover, the license plate number, license plate year, and vehicle identification number of the victim's vehicle may be withheld under

section 552.130 only if a living individual now owns an interest in the vehicle. We also note that the requestor identifies himself as an investigator for the insurer of involved party number 3. Accordingly, the requestor may be involved party number 3's authorized representative. If so, then the requestor has a right of access to involved party number 3's driver's license number, license plate number, license plate year, and vehicle identification number under section 552.023 of the Government Code, and that information may not be withheld from this requestor under section 552.130. *See* Gov't Code § 552.023(a); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself). If the requestor is not an authorized representative of involved party number 3, then the department must withhold his driver's license number, license plate number, license plate year, and vehicle identification number under section 552.130. In any event, the department must withhold involved party number 2's driver's license number and involved party number 4's driver's license number, license plate number, license plate year, and vehicle identification number under section 552.130. The rest of the submitted information must be released.

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/cc

Ref: ID# 337194

Enc: Submitted documents

c: Requestor
(w/o enclosures)