



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 22, 2010

Ms. Jacqueline E. Hojem  
Public Information Officer and Senior Paralegal  
Metropolitan Transit Authority of Harris County  
P.O. Box 61429  
Houston, Texas 77208-1429

OR2010-05736

Dear Ms. Hojem:

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# 378155 (MTA No. 2010-0229).

The Metropolitan Transit Authority of Harris County ("METRO") received a request for (1) documents detailing all sustained disciplinary actions taken against all METRO drivers, (2) documents detailing driver history of all METRO drivers, and (3) all daily monitoring reports since January 1, 2009.<sup>1</sup> You state METRO will release information responsive to item one of the request pending payment and we understand METRO will release information responsive to item three of the request. You claim portions of the submitted information are excepted from disclosure under section 552.130 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.130 of the Government Code provides in relevant part:

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

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

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<sup>1</sup>You inform us METRO sought and received clarification of item three of the request for information. See Gov't Code § 552.222(b) (governmental body may communicate with requestor for purpose of clarifying or narrowing request for information).

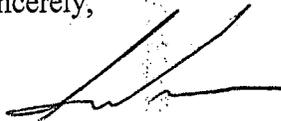
(3) a personal identification document issued by an agency of this state or a local agency authorized to issue an identification document.

Gov't Code § 552.130(a)(1), (3). We note section 552.130 does not apply to out-of-state driver's license information. We have marked driver's license information and personal identification numbers. Although most of the information we have marked pertains to driver's license information and personal identification numbers issued by an agency of this state, we are unable to determine whether some of the marked driver's license numbers were issued by an agency of this state. Accordingly, METRO must withhold the information we have marked under section 552.130; however, some of the marked driver's license numbers, which we have indicated, may only be withheld if they were issued by an agency of this state.<sup>2</sup> As no other exceptions against disclosure are raised, METRO must release the remaining information.

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](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, toll free, at (888) 672-6787.

Sincerely,



Ana Carolina Vieira  
Assistant Attorney General  
Open Records Division

ACV/eeg

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<sup>2</sup>We note this office recently issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including Texas driver's license numbers under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

Ref: ID# 378155

Enc. Submitted documents

c: Requestor  
(w/o enclosures)