



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 22, 2010

Ms. YuShan Chang  
Assistant City Attorney  
City of Houston Legal Department  
P.O. Box 368  
Houston, Texas 77001-0368

OR2010-16051

Dear Ms. Chang:

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# 397714 (PIR No. 17555).

The City of Houston (the "city") received a request for accident reports and corrective action history for ten named employees, as well as "internal policies and procedures on notice of cause/cause letter as it relates to AP 2-2[.]" You claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note you have only submitted one motor vehicle record for our review. We assume, to the extent any additional responsive information existed when the city received the request for information, you have released it to the requestor. If not, then you must do so at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

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 chapter 730 of the Transportation Code. You raise section 730.004, which provides that "an agency may not disclose personal information about any person obtained by the agency in connection with a motor vehicle

record.” Transp. Code § 730.004. “Personal information means information that identifies a person, including an individual’s photograph or computerized image, social security number, driver identification number, name, address, but not zip code, telephone number, and medical or disability information.” *Id.* § 730.003(6). The Texas Department of Public Safety (the “DPS”) is an “agency” for the purposes of chapter 730. *See id.* § 730.003(1) (“agency” is state agency that compiles or maintains motor vehicle records). You state the city obtained the submitted information from the DPS in connection with the performance of the city’s governmental functions. *See id.* § 730.007(a)(2)(A)(I) (personal information may be disclosed to government agency in carrying out its functions). Accordingly, we find that, by obtaining motor vehicle information from the DPS to assist the city in carrying out its functions, the city is an authorized recipient of personal information for purposes of chapter 730 of the Transportation Code. We note that an authorized recipient of personal information may not re-disclose the personal information; to do so is a misdemeanor offense. *Id.* § 730.013(a), (d). Based on your representations and our review of the information at issue, we have marked personal information the city must withhold under section 552.101 of the Government Code in conjunction with sections 730.004 and 730.013 of the Transportation Code.

We note portions of the remaining information are subject to section 552.130 of the Government Code.<sup>1</sup> 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[.]” Gov’t Code § 552.130(a)(1). Upon review, we determine the city must withhold the information we have marked under section 552.130 of the Government Code.

In summary, the city must withhold the information we have marked under section 552.101 of the Government Code in conjunction with sections 730.004 and 730.013 of the Transportation Code, as well as the information we have marked under section 552.130 of the Government Code. The remaining 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](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

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<sup>1</sup>The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

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,

A handwritten signature in black ink, appearing to read "Jennifer Burnett". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jennifer Burnett  
Assistant Attorney General  
Open Records Division

JB/dls

Ref: ID# 397714

Enc. Submitted documents

c: Requestor  
(w/o enclosures)