



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 15, 2011

Mr. Joe Morris
City Attorney
City of Sugar Land
2700 Town Center Boulevard North
Sugar Land, Texas 77479

OR2011-08521

Dear Mr. Morris:

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# 420721.

The Sugar Land Police Department (the "department") received a request for a copy of all traffic citations for a specified period of time. You claim the marked portions of the submitted citation are excepted from disclosure under sections 552.107 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹ We have also considered comments submitted by the requestor's attorney. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Section 552.130 of the Government Code provides:

(a) Information is excepted from [required public disclosure] if the information relates to:

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

¹We assume 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 those records contain substantially different types of information than that submitted to this office.

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

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

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

Gov't Code § 552.130. Although you acknowledge the submitted information is not a motor vehicle record, you argue the marked information was obtained from a Texas driver's license and license plate, and is therefore protected by section 552.130(a). Section 552.130 protects a motor vehicle record and information contained in other records that is particular to a motor vehicle record, such as a driver's license number and license plate number. This section does not protect general information that exists separate and apart from a motor vehicle record. Accordingly, we agree the marked Texas driver's license number and Texas license plate number are protected by section 552.130(a). In addition, we marked the driver's license expiration date and class designation listed in the submitted information under section 552.130(a) because it is information particular to a motor vehicle record. Therefore, the department must withhold the marked Texas driver's license number, expiration date, and class designation, and Texas license plate number under section 552.130 of the Government Code. However, because the name, address, and birth date you marked is general information that exists separate and apart from a motor vehicle record, this information is not protected by section 552.130 and may not be withheld on that basis. As you raise no other exceptions for the marked birth date, it must be released.

You next assert the marked name and address are protected under section 552.107(2) of the Government Code, which provides that information is excepted from disclosure if "a court by order has prohibited disclosure of the information." *Id.* § 552.107(2). You submitted a copy of an order from the Sugar Land Municipal Court (the "court") which states the court will no longer assemble lists of defendants' names and addresses from its records and provide those lists to third parties. You argue the court's order makes the names and addresses of individuals who received citations from the department confidential. We note, however, the court's order does not make a citation or any information contained therein confidential, but expressly allows for the inspection and copying of a citation during normal business hours. Thus, we find the court's order does not prohibit disclosure of the name and address you marked. Furthermore, the court's order applies only to the court's records. You argue that because the court funds the technology used to create the citations and this information is downloaded onto the court's data system, the citations are the court's records. However, you acknowledge the department creates and issues the citations in connection with the transaction of its official business. Although this information is then downloaded to the court's data system, you also acknowledge the department may view and print the citations, the photographs of the defendants, and any notes made of the traffic stop. You state this information is used later by the officer to refresh his memory in testifying during

a hearing or trial. Therefore, because the citations are created and used in connection with the department's official business, they are the department's records, not the courts. *See id* § 552.002(a)(1) (defining public information subject to Act to include information collected, assembled, or maintained in connection with transaction of governmental body's official business); *cf.* Attorney General Opinion JM-446 at 3 (1986) (not every agency that interacts with judiciary is agent of judiciary, acting on its behalf in collecting, assembling, or maintaining information); Open Records Decision No. 513 at 3 (1988) (information held by district attorney not judicial record merely because information submitted to grand jury). Accordingly, the department may not withhold the marked name and address under section 552.107(2) of the Government Code. As you raise no further exceptions for the remaining information, it must be released.

In summary, the marked Texas driver's license number, expiration date, and class designation, and Texas license plate number must be withheld 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, 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,



Kenneth Leland Conyer
Assistant Attorney General
Open Records Division

KLC/eb

Ref: ID# 420721

Enc. Submitted documents

c: Requestor
(w/o enclosures)