



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 17, 2011

Ms. T. Trisha Dang  
Assistant City Attorney  
City of Corpus Christi  
P.O. Box 9277  
Corpus Christi, Texas 78469-9277

OR2011-08630

Dear Ms. Dang:

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# 420891.

The Corpus Christi Police Department (the "department") received a request for photographs related to a specified accident involving the requestor's clients. You claim that the submitted information is excepted from disclosure under section 552.130 of the Government Code. We have considered the exception you claim and reviewed the submitted information. We have also received and considered comments from the requestor.<sup>1</sup> *See* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released).

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<sup>1</sup>Although the requestor asserts a right of access under sections 730.004 and 730.007 of the Transportation Code, we note these provisions pertain to the release of "personal information" by an agency as defined by section 730.003 of the Transportation Code. *See* Trans. Code §§ 730.004, .007. We note sections 730.004 and 730.007 apply only to an agency that compiles or maintains motor vehicle records. *See id.* § 730.003(1). We do not understand, nor has the requestor explained how the department constitutes an agency under section 730.003(1). *See id.*

Section 552.130 of the Government Code exempts from disclosure information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by a Texas agency. *Id.* § 552.130(a)(1), (2). You claim section 552.130 for the Texas license plate numbers in the submitted photographs. We note section 552.130 protects privacy interests. Privacy is a personal right that lapses at death. *See Moore v. Charles B. Pierce Film Enters. Inc.*, 589 S.W.2d 489, 497 (Tex. Civ. App.—Texarkana 1979, writ ref'd n.r.e.); *see also Justice v. Belo Broadcasting Corp.*, 472 F. Supp. 145, 146-47 (N.D. Tex. 1979); Attorney General Opinions JM-229 (1984), H-917 (1976); Open Records Decision No. 272 at 1 (1981). Therefore, Texas motor vehicle record information pertaining only to a deceased individual may not be withheld under section 552.130. However, to the extent the license plate numbers at issue relate to a vehicle in which a living individual owns an interest, they fall within the scope of section 552.130. One of the license plate numbers at issue may belong to the requestor's clients. Accordingly, this requestor may have a right of access to some of the Texas motor vehicle record information at issue under section 552.023 of the Government Code. *See Gov't Code* § 552.023(a) (person or person's authorized representative has special right of access, beyond right of general public, to information held by governmental body that relates to the person and is protected from public disclosure by laws intended to protect that person's privacy interests). *See Open Records Decision No. 481 at 4* (1987). Therefore, the requestor's clients' license plate number may not be withheld under section 552.130 of the Government Code and must be released. You state the city does not have the technical capability to redact the Texas motor vehicle record information from the submitted photographs. We note, however, the photographs may be printed out, which would make it possible for the city to redact the information at issue by marking out the information on the printed photographs. Accordingly, the city must redact the Texas license plate numbers from the photographs that contain the license plate number of a vehicle in which a living individual other than the requestor's clients has an interest under section 552.130 of the Government Code. However, the remaining portions of these photographs, as well as the photographs that do not contain any Texas motor vehicle record information, may not be withheld under section 552.130 and must be released.<sup>2</sup>

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.

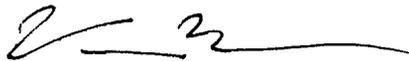
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free,

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

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,

A handwritten signature in black ink, appearing to read 'VB', with a long horizontal line extending to the right.

Vanessa Burgess  
Assistant Attorney General  
Open Records Division

VB/dls

Ref: ID# 420891

Enc. Submitted documents

c: Requestor  
(w/o enclosures)