



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 19, 2011

Mr. Charles H. Weir
Assistant City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

OR2011-10230

Dear Mr. Weir:

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# 425290 (Your File No. W001064).

The San Antonio Police Department (the "department") received a request for all information pertaining to the theft of a specific vehicle. You claim the submitted incident report is excepted from disclosure under section 552.130 of the Government Code. We have considered the exception you claim and reviewed the submitted report.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license, driver's license, a motor vehicle title or registration issued by a Texas agency, or an agency of another state or country, is excepted from public release. Act of May 24, 2011, 82nd Leg., R.S., S.B. 1638, § 4 (to be codified as an amendment to Gov't Code § 552.130(a)(1)-(a)(2)). We have marked the driver's license number, vehicle identification number, and license plate information that are confidential under section 552.130 of the Government Code.

Section 552.136 of the Government Code provides:

(a) In this section, "access device" means a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or

instrument identifier or means of account access that alone or in conjunction with another access device may be used to:

- (1) obtain money, goods, services, or another thing of value; or
- (2) initiate a transfer of funds other than a transfer originated solely by paper instrument.

(b) Notwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.

Gov't Code § 552.136. An insurance policy number constitutes an access device for purposes of section 552.136. *See id.* § 552.136(a) (defining "access device"). We have marked the insurance policy number that is confidential under section 552.136 of the Government Code.¹

The requestor, in this instance, is a representative of the company that insured the vehicle at issue. Accordingly, the requestor may be the authorized representative of the insured in this matter. Sections 552.130 and 552.136 were enacted to protect a person's privacy and may not be invoked to withhold private information from the person to whom the information belongs or that person's authorized representative. Thus, if the requestor is the authorized representative of the insured he has a right of access under section 552.023(a) of the Government Code to the marked information and it must be released. *See id.* § 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 person and is protected from public disclosure by laws intended to protect person's privacy interests). If, however, the requestor is not the insured's representative, the marked information must be withheld from disclosure. As you have not claimed any other exceptions to disclosure, the remaining information must be released.

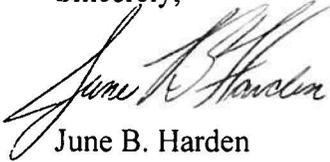
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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,

¹This office issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including insurance policy numbers under section 552.136 of the Government Code, without the necessity of requesting an attorney general decision.

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,

A handwritten signature in cursive script, appearing to read "June B. Harden".

June B. Harden
Assistant Attorney General
Open Records Division

JBH/sdk

Ref: ID# 425290

Enc. Submitted documents

c: Requestor
(w/o enclosures)