



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 29, 2012

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

OR2012-08118

Dear Ms. Evans:

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# 455018 (GC No. 19506).

The Houston Police Department (the "department") received a request for information related to a specified traffic fatality. Although you take no position as to whether the requested information is excepted from disclosure under the Act, you state release of the information may implicate the interests of the Metropolitan Transit Authority of Harris County Police Department ("Metro"). Accordingly, you notified Metro of the request for information and its right to submit arguments to this office as to why the requested information should not be released. *See* Gov't Code § 552.304 (providing interested party may submit written comments stating why information should or should not be released).¹ We have reviewed the submitted information.

We note the submitted information contains motor vehicle record information.² Section 552.130 of the Government Code provides that information related to a motor vehicle operator's license or driver's license, title, or registration issued by a Texas agency,

¹As of the date of this letter, this office has not received comments from Metro explaining why any of the submitted information should not be released.

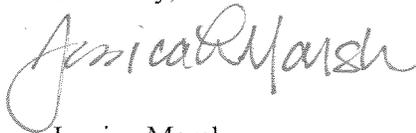
²The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

or an agency of another state or country, is excepted from public release. *Id.* § 552.130(a)(1), (2). We note section 552.130 protects the privacy interests of individuals. Because the right to privacy lapses at death, motor vehicle record information that pertains to a deceased individual may not be withheld under section 552.130. *See Moore v. Charles B. Pierce Film Enters., Inc.*, 589 S.W.2d 489, 491 (Tex. Civ. App.—Texarkana 1979, writ ref'd n.r.e.); Attorney General Opinions JM-229 (1984), H-917 (1976); Open Records Decision No. 272 (1981). Thus, section 552.130 is not applicable to the deceased individual's driver's license number within the submitted information. However, the department must withhold the information we have marked under section 552.130 of the Government Code. As no further exceptions to disclosure have been raised, 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,



Jessica Marsh
Assistant Attorney General
Open Records Division

JM/em

Ref: ID# 455018

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Chief Victor Rodriguez
METRO - Police Department
1900 Main Street
Houston, Texas 77002
(w/o enclosures)