



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 20, 2012

Ms. Holly C. Lytle
Assistant County Attorney
El Paso County
500 East San Antonio, Room 503
El Paso, Texas 79901

OR2012-13077

Dear Ms. Lytle:

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# 462413.

The El Paso Sheriff's Office (the "sheriff's office") received a request for twelve categories of information related to case number 2012-04375. You claim that the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note you have only submitted information pertaining to category twelve of the request. To the extent information responsive to the remainder of the request existed on the date the sheriff's office received the request, we assume you have released it. If you have not released any such information, 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 that no exceptions apply to requested information, it must release information as soon as possible).

¹Although you initially raised sections 552.103, 552.108, 552.111, and 552.137 of the Government Code, you did not provide any arguments regarding the applicability of these sections. Therefore, we assume you have withdrawn these exceptions. *See Gov't Code §§ 552.301, .302.*

We understand you to raise section 730.004 of the Transportation Code. 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 information protected by other statutes, such as section 730.004 of the Transportation Code, which provides, “[n]otwithstanding any other provision of law to the contrary, including chapter 552, Government Code, except as provided by Sections 730.005–730.007, 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. Section 730.004 applies only to an “agency” that compiles or maintains motor vehicle records. *See id.* § 730.003(1). You have not established the sheriff’s office compiles or maintains motor vehicle records; therefore, chapter 730 does not apply to the sheriff’s office. Accordingly, the sheriff’s office may not withhold any portion of the submitted information under section 552.101 of the Government Code in conjunction with chapter 730 of the Transportation Code. *See Open Records Decision No. 478 at 2 (1987)* (language of confidentiality statute controls scope of protection).

We also understand you to raise section 521.051 of the Transportation Code. Section 552.101 of the Government Code also encompasses section 521.051, which provides the “department may not disclose class-type listings from the basic driver’s license record file to any person” except in certain situations. Transp. Code § 521.051. However, chapter 521 of the Transportation Code is applicable to records maintained by the Texas Department of Public Safety. *See id.* § 521.001 (defining “department” as the Texas Department of Public Safety). We note the information at issue is maintained by the sheriff’s office and not the Texas Department of Public Safety. Therefore, we conclude none of the submitted information may be withheld under section 521.051 of the Transportation Code. *See Open Records Decision No. 618 (1993)* (stating the purpose of the statutory predecessor to section 521.051 “appears to be to relieve the [Texas Department of Public Safety] of the administrative burden of compiling a list based primarily on location and the existence of traffic convictions[.]”).

Section 552.130 of the Government Code provides that information relating to a motor vehicle operator’s or driver’s license or permit or a motor vehicle title or registration issued by an agency of this state or another state or country is excepted from public release. Gov’t Code § 552.130(a)(1), (2). Accordingly, the sheriff’s office must withhold the motor vehicle record information we have marked under section 552.130. As no further exceptions are 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,



Vanessa Burgess
Assistant Attorney General
Open Records Division

VB/dls

Ref: ID# 462413

Enc. Submitted documents

c: Requestor
(w/o enclosures)