



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

OR2012-13128

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# 462418.

The El Paso County Sheriff's Office (the "sheriff's office") received a request for information concerning a specified accident. You state the sheriff's office has released some of the information. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from public 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 made confidential by other statutes. You claim the submitted information is confidential under chapter 730 of the Transportation Code. We understand you to raise section 730.004, which provides:

Notwithstanding any other provisions 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, section 730.004 does not apply to the sheriff’s office. Accordingly, the sheriff’s office may not withhold the submitted information under section 552.101 of the Government Code in conjunction with section 730.004 of the Transportation Code. *See* Open Records Decision No. 478 at 2 (1987) (language of confidentiality statute controls scope of protection).

You also claim the submitted information is confidential under chapter 521 of the Transportation Code, which is also encompassed by section 552.101 of the Government Code. We understand you to claim section 521.051 of the Transportation Code, 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, none of the submitted information may be withheld under section 552.101 of the Government Code in conjunction with 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”).

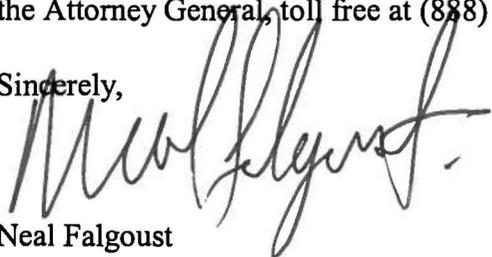
Section 552.130 of the Government Code exempts from disclosure information relating to a motor vehicle operator’s or driver’s license or permit or a motor vehicle title or registration issued by an agency of this state or another state or country. Gov’t Code § 552.130(a)(1), (2). We note some of the motor vehicle record information at issue relates to the requestor’s client. Because section 552.130 protects personal privacy, we find the requestor in this case has a right of access to his client’s motor vehicle record information under section 552.023 of the Government Code. *See id.* § 552.023(a), (b) (individual has special right of access to information that relates to himself and is protected by laws intended to protect his privacy interests, and governmental body may not deny access on ground that information is considered confidential by privacy principles); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself). Accordingly, the sheriff’s office must withhold the motor vehicle record information we have marked under section 552.130 of the Government Code. As you raise no other exceptions, the remaining information must be released.¹

¹We note the requestor has a statutory right of access to some of the information being released. If the department receives another request for this same information from a different requestor, the department must again seek a ruling from this office.

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,



Neal Falgoust
Assistant Attorney General
Open Records Division

NF/ag

Ref: ID# 462418

Enc. Submitted documents

c: Requestor
(w/o enclosures)