



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 26, 2012

Ms. Lillian Guillen Graham
Assistant City Attorney
City of Mesquite
P.O. Box 850137
Mesquite, Texas 75185-0137

OR2012-15348

Dear Ms. Graham:

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# 470386.

The Mesquite Police Department (the "department") received a request for case number 12082684. You claim some of the submitted information is excepted from disclosure under sections 552.130 and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.130 of the Government Code excepts from disclosure information that relates to a motor vehicle operator's or driver's license, 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, however, the requestor in this instance represents the insurance provider for the individual listed in the submitted information. As such, the requestor, if acting as the individual's authorized representative, has a right of access to his insured's motor vehicle record information. *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); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual or individual's authorized representative asks governmental body to provide information concerning that individual). In this instance, it is not clear that the requestor is acting as the individual's authorized representative. Therefore, we must rule conditionally. To the extent the requestor has a right of access under section 552.023 to the insured's motor

vehicle record information, the department must release the information you have marked to the requestor. To the extent the requestor does not have a right of access under section 552.023, the department must withhold the marked motor vehicle record information under section 552.130 of the Government Code.

Section 552.147 of the Government Code provides that “[t]he social security number of a living person is excepted from” required public disclosure under the Act. Gov’t Code § 552.147(a). However, as noted above, the requestor may be acting as the authorized representative of the individual whose social security number is at issue. In that event, the requestor would have a right to the insured’s information. *See generally id.* § 552.023(b). Accordingly, if the requestor is acting as the insured’s authorized representative, the department may not withhold from this requestor the insured’s social security number. However, if the requestor is not acting as the insured’s authorized representative, the department must withhold the marked social security number under section 552.147.

In summary, if the requestor is not acting as the insured individual’s authorized representative, the department must withhold the information you have marked under section 552.130 of the Government Code, may withhold the marked social security number under section 552.147 of the Government Code, and must release the remaining information to the requestor. If the requestor is the insured individual’s authorized representative, the submitted information must be released to the requestor.

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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/som

Ref: ID# 470386

Enc. Submitted documents

c: Requestor
(w/o enclosures)