



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 4, 2012

Ms. Janet I. Monteros
Assistant County Attorney
El Paso County
500 East San Antonio, Room 503
El Paso, Texas 79901

OR2012-15834

Dear Ms. Monteros:

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# 471218 (CA-OP-12-426).

The El Paso County Medical Examiner's Office (the "medical examiner's office") received a request for information pertaining to a specified fatality accident. You state the medical examiner's office has released some of the requested information. You claim some of the submitted information is excepted from disclosure under section 552.130 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by an agency of this state or another state or country is excepted from public release. *See Gov't Code* § 552.130. You have marked in the submitted documents and indicated on the submitted CD information you claim is subject to section 552.130.

We note the purpose of section 552.130 is to protect the privacy interests of individuals. Because the right of privacy lapses at death, motor vehicle record information that pertains solely 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.); *see also Justice v. Belo Broadcasting Corp.*, 472 F. Supp. 145, 146-47 (N.D. Tex. 1979); Attorney General Opinions JM-229 (1984), H-917 (1976); Open Records Decision No. 272 at 1 (1981) (privacy rights lapse upon death). Thus, section 552.130 is not applicable to the deceased individual's driver's license information,

and the medical examiner's office may not withhold it on that basis. We agree the medical examiner's office must withhold the remaining driver's license you have marked under section 552.130 of the Government Code.

You also seek to withhold the license plate numbers of the two vehicles involved in the accident. However, we note one of the license plate numbers relates to a vehicle owned by an individual who is now deceased. As noted, the right of privacy lapses at death, and the motor vehicle record information that pertains only to a deceased individual may not be withheld under section 552.130. *See Moore*, 589 S.W.2d at 491; *see also Justice*, 472 F. Supp. at 146-47; Attorney General Opinions JM-229, H-917; ORD 272 at 1. Therefore, if a living individual owns an interest in the vehicle, the medical examiner's office must withhold this information under section 552.130. If no living individual owns an interest in the vehicle, then the license plate number of that vehicle is not excepted from disclosure and must be released. The other marked license plate number, which relates to a vehicle owned by a living individual, must be withheld under section 552.130 of the Government Code.

In summary, the medical examiner's office must withhold the copy of a living individual's driver's license, which you have marked, under section 552.130 of the Government Code. The medical examiner's office must withhold the license plate numbers you have marked and indicated under section 552.130 of the Government Code, provided a living individual owns an interest in the vehicle. If no living individual owns an interest in the vehicle, then the license plate number related to that vehicle is not excepted from disclosure and must be released. 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,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/som

Ref: ID# 471218

Enc. Submitted documents

c: Requestor
(w/o enclosures)