



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 22, 2013

Mr. Brian Riemenschneider
Assistant General Counsel
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR2013-04767

Dear Mr. Riemenschneider:

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# 481942 (PIR # 13-0159).

The Texas Department of Public Safety (the "department") received a request for information transmitted to the department regarding Class C misdemeanor infractions during a specified period of time from the Houston Municipal Court (the "court"). You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

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. Section 521.051 of the Transportation Code provides the department "may not disclose class-type listings from the basic driver's license record file to any person except as provided by Section 521.049(c)[.]" Transp. Code § 521.051. In Open Records Decision No. 618

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

(1993), this office determined the purpose of the statutory predecessor to section 521.051 “appears to be to relieve the department of the administrative burden of compiling a list based primarily on location and existence of traffic convictions, *i.e.*, a class-type list, when the requestor does not have individual driver’s license numbers or names.” ORD 618 at 3. Therefore, we held the statutory predecessor to section 521.051 “limits access when the [request] requires the department to classify licensees by specific types, such as a request for a list of licensees who have traffic convictions on file, or a list of those who might be subject to administrative hearings to suspend their license.” ORD 618 at 3-4.

You state the requested records are transmitted electronically by the court and are motor vehicle records. You further state “[t]he department’s computer system receives this information automatically upon transmission by the [court], uploads the information into its driver license database, and applies it to the individual record.” You explain “[t]he [d]epartment must maintain this information in its driver license records because Tex. Transp. Code § 521.042 requires the [d]epartment to review its records before it issues or renews a driver license.” You thus assert that the information at issue consists of “motor vehicle related conviction information, which is statutorily required for the issuance of a driver license, [and] meets the very broad definition of motor vehicle record located in Tex. Transp. Code 730.003(4) once it has been transmitted by the court to the [d]epartment in whatever manner.” We understand this motor vehicle record information is part of the basic driver’s license record file. You assert that “a request for information based on the convicting court of the license holder is also a request for a class-type listing[,]” and that release of this information is governed by section 521.051 of the Transportation Code.

Having considered your arguments and reviewed the submitted information, we agree that section 521.051 is applicable to the information at issue. Under section 521.049(c), however, the department may make class-type listings available “to an official of the United States, the state, or a political subdivision of this state for governmental purposes only.” You do not indicate, nor does it appear, that section 521.049 is applicable in this instance. Therefore, based on your representations and our review, we conclude the department must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 521.051 of the Transportation Code.

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,

A handwritten signature in black ink, appearing to read "Jeffrey W. Giles". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jeffrey W. Giles
Assistant Attorney General
Open Records Division

JWG/dls

Ref: ID# 481942

Enc. Submitted documents

c: Requestor
(w/o enclosures)