



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 5, 2013

Ms. Danielle Folsom
Assistant City Attorney
City of Houston
P.O. Box 368
Houston, Texas 77001-0368

OR2013-15493

Dear Ms. Folsom:

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# 498477 (GC No. 20583).

The City of Houston (the "city") received two requests for information regarding red light cameras, specifically (1) video evidence and documentation associated with the top five offender vehicles, the total amount due for each of the top five violators and the intersections where the violations occurred, and (2) the total dollar amount still owed in "unpaid" fines generated by red light cameras, as well as each violator's name, address, and total amount due to the city, the intersection where each violation occurred, and the date of each fine. You state the city will release some of the requested information. You claim portions of the submitted information are 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 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 section 730.004 of the Transportation Code,

¹We assume 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 those records contain substantially different types of information than that submitted to this office.

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; *see also id.* § 730.003(4) (defining motor vehicle record to include a record that pertains to a motor vehicle operator’s or driver’s license or permit, motor vehicle registration, motor vehicle title, or identification document issued by an agency of this state). For the purposes of chapter 730 of the Transportation Code, section 730.013 provides, in part:

- (a) An authorized recipient of personal information may not resell or redisclose the personal information in the identical or a substantially identical format the personal information was disclosed to the recipient by the applicable agency.
- (b) An authorized recipient of personal information may resell or redisclose the information only for a use permitted under Section 730.007.

Id. § 730.013(a)-(b). You state the city contracts with a third party, American Traffic Solutions (“ATS”), to operate red light cameras at intersections, identify the violators, and collect civil penalties. ATS uses these cameras to obtain the license plate numbers of vehicles that proceed through intersections against a red light. You state ATS, through its vendor, INLETS, uses the license plate numbers of Texas registered vehicles to obtain a name and address for the license plate number from the Texas Department of Public Safety (“DPS”). We note DPS is an agency under section 730.003(1) that obtains or compiles motor vehicle records. *See id.* § 730.003(1). We further note the names and addresses of the owners of Texas registered vehicles obtained by ATS from DPS are considered personal information under section 730.003(6). *See id.* § 730.003(6) (personal information means information that identifies a person, including an individual’s photograph or computerized image, social security number, driver identification number, name, and address, but not zip code, telephone number, or medical or disability information). Accordingly, we find, by obtaining information from DPS to assist the city in carrying out its functions, ATS is an authorized recipient of personal information for purposes of section 730.013. *See id.* § 730.007(a)(2)(A)(ii) (authorized recipient includes a private entity acting on behalf of a government agency in carrying out the agency’s functions).

Based upon your representations and our review of the information at issue, we conclude, because the personal information of owners of Texas registered vehicles was obtained from DPS by an authorized recipient, and because this information is in the identical or substantially identical format that it was received by ATS from DPS, the personal information, including the names and addresses, other than zip codes, of owners of Texas registered vehicles is confidential under section 730.013(a) of the Transportation Code. Accordingly, as we have no indication release of this information would be for a use permitted under section 730.007, we conclude the city must withhold the personal

information of owners of Texas registered vehicles under section 552.101 of the Government Code in conjunction with section 730.013 of the Transportation Code. However, you have not explained how the remaining information constitutes personal information of Texas registered vehicles for purposes of section 730.013; thus, none of the remaining information may be withheld on that basis.

To the extent the remaining responsive information relates to individuals whose vehicles are registered in states other than Texas, we consider your argument under section 2721 of title 18 of the United States Code, which is also encompassed by section 552.101 of the Government Code. Section 2721 provides in pertinent part:

(a) In general.—A State department of motor vehicles, and any officer, employee, or contractor thereof, shall not knowingly disclose or otherwise make available to any person or entity:

(1) personal information, as defined in 18 U.S.C. 2725(3), about any individual obtained by the department in connection with a motor vehicle record, except as provided in subsection (b) of this section; or

(2) highly restricted personal information, as defined in 18 U.S.C. 2725(4), about any individual obtained by the department in connection with a motor vehicle record, without the express consent of the person to whom such information applies, except uses permitted in subsections (b)(1), (b)(4), (b)(6), and (b)(9)[.]

(b) Permissible uses.—Personal information referred to in subsection (a) . . . subject to subsection (a)(2), may be disclosed as follows:

(1) For use by any governmental agency . . . in carrying out its functions[.]

(c) Resale or redisclosure.—An authorized recipient of personal information (except a recipient under subsection (b)(11) or (12)) may resell or redisclose the information only for a use permitted under subsection (b) (but not for uses under subsection (b)(11) or (12)). . . . Any authorized recipient (except a recipient under subsection (b)(11)) that resells or rediscloses personal information covered by this chapter must keep for a period of 5 years records identifying each person or entity that receives information and the permitted purpose for which the information will be used and must make such records available to the motor vehicle department upon request.

18 U.S.C. § 2721(a)-(c). You state some of the remaining responsive information consists of the names and addresses of owners of vehicles registered in states other than Texas and

is considered personal information for purposes of section 2725(3). *See id.* § 2725(3) (personal information means information that identifies a person, including an individual's photograph, social security number, driver identification number, name, address, but not the 5-digit zip code, telephone number, and medical or disability information). You state ATS uses the license plate numbers obtained from the red light cameras to procure personal information from other states' DPS equivalent. We conclude ATS, in obtaining personal information from other state agencies to assist the city in carrying out its functions, is an authorized recipient of personal information for purposes of section 2721(c). *See id.* § 2721(b)(1) (providing that personal information may be disclosed by a state department of motor vehicles to any entity acting on behalf of a Federal, State, or local agency in carrying out its functions). Therefore, because the personal information at issue was obtained from a state department of motor vehicles by an authorized recipient, this information is confidential under federal law. As we have no indication release of this information would be for a use permitted under section 2721(b), we conclude the city must withhold the names and addresses, other than zip codes, of owners of vehicles registered in states other than Texas under section 552.101 of the Government Code in conjunction with section 2721(c) of title 18 of the United States Code. However, you have not explained how the remaining information constitutes personal information of owners of vehicles registered in states other than Texas for purposes of section 2721(c) of title 18 of the United States Code; thus, none of the remaining information may be withheld on that basis.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's or driver's license or permit, a motor vehicle title or registration, or a personal identification document issued by an agency of Texas or another state or country is excepted from public release. Gov't Code § 552.130(a). Upon review, we find the city must withhold the motor vehicle record information which we have marked in the submitted information under section 552.130 of the Government Code.²

In summary, the city must withhold the names and addresses, other than zip codes, of owners of Texas registered vehicles under section 552.101 of the Government Code in conjunction with section 730.013 of the Transportation Code. The city must withhold the names and addresses, other than zip codes, of owners of vehicles registered in states other than Texas under section 552.101 of the Government Code in conjunction with section 2721 of title 18 of the United States Code. The city must withhold the motor vehicle record information we have marked under section 552.130 of the Government Code. The remaining information must be released.

²Section 552.130(c) of the Government Code allows a governmental body to redact the information described in subsection 552.130(a) without the necessity of seeking a decision from the attorney general. *See* Act of May 6, 2013, 83rd Leg., R.S., S.B. 458, § 1 (to be codified as an amendment to Gov't Code § 552.130(c)). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See* Gov't Code § 552.130(d), (e).

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink that reads "Megan G. Holloway". The signature is written in a cursive style with a large, looping "y" at the end.

Megan G. Holloway
Assistant Attorney General
Open Records Division

MGH/dls

Ref: ID# 498477

Enc. Submitted documents

c: Requestor
(w/o enclosures)