



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 3, 2013

Ms. Samantha Dyal
Counsel for the City of Schertz
Fulbright & Jaworski, LLP
300 Convent Street, Suite 2100
San Antonio, Texas 78205-3792

OR2013-17290

Dear Ms. Dyal:

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# 501322.

The Schertz Police Department (the "department"), which you represent, received a request for all records pertaining to case number 2013-27543. You claim portions of the submitted information are excepted from disclosure under sections 552.130 and 552.147 of the Government Code. You also inform us you have notified certain individuals of the request and of their right to submit comments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have considered the exceptions 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, or a personal identification document issued by an agency of this state or another state or country is excepted from public release. *Id.* § 552.130(a). We note you have marked the driver's license information of a deceased individual. The purpose of section 552.130 is to protect the privacy interests of individuals. Because the right of privacy lapses at death, driver's license information that pertains solely to deceased individuals may not be withheld under

section 552.130. *See Moore v. Charles B. Pierce Film Enters., Inc.*, 589 S.W.2d 489 (Tex. Civ. App.—Texarkana 1979, writ ref'd n.r.e.); *Justice v. Belo Broadcasting Corp.*, 472 F. Supp. 145 (N.D. Tex. 1979); Attorney General Opinions JM-229 (1984), H-917 (1976); Open Records Decision No. 272 (1981). Therefore, the department must release the deceased individual's driver's license information, which we have marked for release. However, the department must withhold the remaining motor vehicle record information you have marked and the additional information we have marked and indicated in the submitted recordings, which do not pertain to the deceased individual, under section 552.130 of the Government Code.¹

Section 552.147 of the Government Code provides “[t]he social security number of a living person is excepted from” required public disclosure under the Act. Gov't Code §552.147(a). The department may withhold the social security numbers of living individuals you have marked under section 552.147(a) of the Government Code.²

In summary, with the exception of the deceased individual's driver's license information, which we have marked for release, the department must withhold the motor vehicle record information you have marked, and the additional information we have marked and indicated in the submitted recordings, under section 552.130 of the Government Code. The department may withhold the social security numbers of living individuals you have marked under section 552.147(a) of the Government Code. The department must release the remaining information.

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.

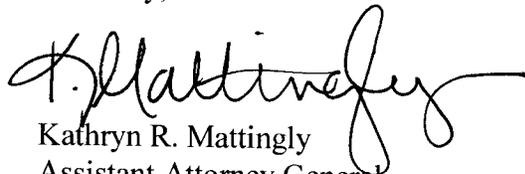
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for

¹Section 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 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).

²Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act. Gov't Code § 552.147(b).

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, appearing to read 'K. Mattingly', with a long, sweeping horizontal line extending to the right.

Kathryn R. Mattingly
Assistant Attorney General
Open Records Division

KRM/tch

Ref: ID# 501322

Enc. Submitted documents

c: Requestor
(w/o enclosures)