



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 17, 2013

Ms. Michelle Freeland  
Legal Assistant  
Office of General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR2013-21917

Dear Ms. Freeland:

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# 508727.

The Texas Department of Public Safety (the "department") received a request for records related to the investigation of a motorcycle crash on a specified date. The department released some of the information responsive to the request. However, as permitted by section 552.130(c) of the Government Code, the department redacted information it determined to be subject to section 552.130(a) of the Government Code without requesting a decision from this office. *See Gov't Code § 552.130(c)*. Pursuant to section 552.130(d), the requestor has asked this office to review the information and render a decision as to whether this information is excepted from disclosure under section 552.130 of the Government Code. We have considered the position and reviewed the information.

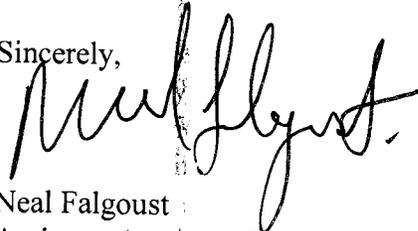
Section 552.130 of the Government Code excepts from disclosure information relating to a motor vehicle operator's or driver's license or permit, a motor vehicle title or registration, or a personal identification document issued by an agency of this state or another state or country. *Id.* § 552.130(a). The submitted information indicates the department redacted the vehicle identification number of the motorcycle the decedent rode. We note, however, section 552.130 is designed to protect the privacy of an individual, and the right to privacy lapses at death. *See Moore v. Charles B. Pierce Film Enters., Inc.*, 589 S.W.2d 489, 491

(Tex. App.—Texarkana 1979, writ ref'd n.r.e.); *see also* Open Records Decision No. 272 at 1 (1981) (privacy rights lapse upon death). Accordingly, the department may not withhold the vehicle identification number of the decedent's motorcycle under section 552.130, unless another living individual has an interest in the motorcycle. Regardless, the department must withhold the information we marked that relates to a living individual's personal identification document under section 552.130 of the Government 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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](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,



Neal Falgoust  
Assistant Attorney General  
Open Records Division

NF/som

Ref: ID# 508727

Enc. Submitted documents

c: Requestor  
(w/o enclosures)