



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 19, 2014

Ms. Catelyn H. Kostbar
Harris County Appraisal District
P.O. Box 920975
Houston, Texas 77292-0975

OR2014-04659

Dear Ms. Kostbar:

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# 517160 (HCAD ID# 13-3418).

The Harris County Appraisal District (the "district") received a request for account details for account number 2127057 for the tax years 2011 and 2012. You state the district will release some information to the requestor. You claim the submitted vehicle identification numbers are excepted from disclosure under section 552.130 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted representative sample of information.²

Section 552.130 of the Government Code excepts from disclosure information that relates to a motor vehicle title or registration issued by an agency of this state or another state or

¹We note, and you acknowledge, the district did not comply with the requirements of section 552.301 of Government Code. *See* Gov't Code § 552.301(b), (e). Nonetheless, section 552.130 of the Government Code is a mandatory exception that can provide a compelling reason to overcome the presumption of openness caused by failure to comply with section 552.301. *See id.* §§ 552.007, .302. Thus, we will consider the district's claims.

²We 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.

country. Gov't Code § 552.130(a)(2). Thus, the submitted vehicle identification numbers are excepted from public disclosure under section 552.130 of the Government Code.

We understand you to assert the requestor may have a right of access to the information at issue under section 730.007(a) of the Transportation Code. *See* Gov't Code § 552.130(b); Transp. Code § 730.007(a) (personal information obtained in connection with motor vehicle record may be disclosed under certain circumstances). We note that chapter 730 is applicable to an "agency . . . that compiles or maintains motor vehicle records." Transp. Code § 730.003(1). The district is not an agency as defined by section 730.003(1). Therefore, chapter 730 does not apply to the district. Accordingly, we conclude the requestor does not have a right of access to this information pursuant to chapter 730 of the Transportation Code.

We note, however, section 552.130 protects personal privacy. In the event the requestor is the authorized representative of the property owner at issue, she has a special right of access to the motor vehicle information of the owner she represents pursuant to section 552.023 of the Government Code. *See* Gov't Code § 552.023(a) (person or person's authorized representative has special right of access, beyond the right of general public, to information held by governmental body that relates to person and is protected from public disclosure by laws intended to protect person's privacy interests); Open Records Decision No. 481 at 4 (1987). We note section 552.229(a) of the Government Code provides consent for release of information available under section 552.023 must be in writing and signed by the person or the person's authorized representative. Gov't Code § 552.229(a). Thus, under section 552.023, with proper authorization from the property owner at issue, the requestor in this case would have a right of access to information that would ordinarily be withheld under section 552.130 to protect the property owner's privacy interests. In this instance, the district may not withhold any of the information at issue under section 552.130 of the Government Code.

To summarize: The district must withhold the submitted vehicle identification numbers under section 552.130 of the Government Code. However, if the requestor provides proper authorization from the property owner, the district must release the vehicle identification numbers to this requestor pursuant to section 552.023 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, 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, appearing to read "Cindy Nettles". The signature is fluid and cursive, with the first name "Cindy" written in a larger, more prominent script than the last name "Nettles".

Cindy Nettles
Assistant Attorney General
Open Records Division

CN/dls

Ref: ID# 517160

Enc. Submitted documents

c: Requestor
(w/o enclosures)