



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 16, 2016

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

OR2016-03709

Dear Mr. Lealos:

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# 598782 (PIR # 15-6199).

The Texas Department of Public Safety (the "department") received a request for information pertaining to all commercial driver's license holders during a specified period of time. You claim the submitted information is 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 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 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.

(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 assert the submitted information pertains to a class-type listing of drivers made confidential under 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. As our ruling is dispositive, we need not consider your remaining arguments against disclosure.

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,



Nicholas A. Ybarra
Assistant Attorney General
Open Records Division

NAY/bw

Ref: ID# 598782

Enc. Submitted documents

c: Requestor
(w/o enclosures)