



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 10, 2015

Ms. Susan Fillion
Assistant County Attorney
Harris County Sheriff's Office
1200 Baker Street, 2nd Floor
Houston, Texas 77002

OR2015-14017

Dear Ms. Fillion:

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# 571119 (HCSO File No. 14SO600607).

The Harris County Sheriff's Office (the "sheriff's office") received a request for information pertaining to a specified incident involving a named individual. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

We note the requestor is an investigator for the Texas Education Agency (the "TEA"), which has assumed the duties of the State Board for Educator Certification (the "SBEC").¹ Section 22.082 of the Education Code provides the SBEC "may obtain from any law enforcement or criminal justice agency . . . all records contained in any closed criminal investigation file that relate to a specific applicant for or holder of a certificate issued under Subchapter B, Chapter 21 [of the Education Code]." Educ. Code § 22.082. The requestor states TEA is conducting an investigation of the named individual, who has applied for, or currently holds, educator credentials. You inform us the submitted information consists of a completed criminal investigation of the named individual. Thus, we find TEA has a right of access under section 22.082 to all of the submitted information. Although you assert section 552.108 to withhold the information, a specific right of access provision prevails over

¹The 79th Texas Legislature passed House Bill 1116, which required the transfer of the SBEC's administrative functions and services to the TEA, effective September 1, 2005.

the Act's general exceptions to disclosure. *See, e.g.*, Open Records Decision Nos. 613 at 4 (1993) (exceptions in Act cannot impinge on statutory right of access to information), 451 (1986) (specific statutory right of access provisions overcome general exception to disclosure under the Act). Because section 552.108 is a general exception under the Act, the requestor's statutory access under section 22.082 prevails and the sheriff's office may not withhold the information under section 552.108 of the Government Code.

However, we note some of the submitted information is excepted from disclosure under section 552.130 of the Government Code.² Section 552.130 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). As previously discussed, a specific statutory right of access prevails over general exceptions to disclosure under the Act. *See* ORD Nos. 613 at 4, 451 at 4. However, because section 552.130 has its own access provisions, we conclude section 552.130 is not a general exception under the Act. Accordingly, we must address the conflict between the access provided under section 22.082 and the confidentiality provided under section 552.130. Where information falls within both a general and a specific provision, the specific provision typically prevails as an exception to the general provision. *See* Gov't Code § 311.026(b); *City of Lake Dallas v. Lake Cities Mun. Util. Auth.*, 555 S.W.2d 163, 168 (Tex. Civ. App.—Fort Worth 1977, writ ref'd n.r.e.). While section 22.082 provides TEA with a general right of access to certain criminal investigation information, section 552.130 specifically protects motor vehicle record information. Thus, we conclude the confidentiality under section 552.130 is more specific than the general right of access provided under section 22.082. Therefore, we conclude, notwithstanding section 22.082 of the Education Code, the sheriff's office must withhold the motor vehicle record information we have marked under section 552.130 of the Government Code. The sheriff's office must release the remaining information to this requestor pursuant to his right of access under section 22.082 of the Education Code.

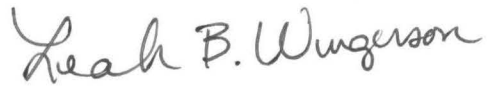
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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

²The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

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 cursive script that reads "Leah B. Wingerson".

Leah B. Wingerson
Assistant Attorney General
Open Records Division

LBW/bhf

Ref: ID# 571119

Enc. Submitted documents

c: Requestor
(w/o enclosures)