



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 9, 2017

Mr. Brad Bowman
General Counsel
Texas Department of Licensing and Regulation
P.O. Box 12157
Austin, Texas 78711

OR2017-25695

Dear Mr. Bowman:

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# 683633 (TDLR PIR# 20171252).

The Texas Department of Licensing and Registration (the "department") received a request for information pertaining to licensed driver education instructors in four specified counties. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have also received and considered comments submitted by the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit written comments regarding why information should or should not be released). We have considered the exception you claim and reviewed the submitted representative sample of information.¹

Initially, we note the requestor seeks only the names, phone numbers, and addresses of licensed driver education instructors. Thus, the portions of the submitted documents that do not consist of the requested names, phone numbers, and addresses are not responsive to the

¹We assume that 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 that those records contain substantially different types of information than that submitted to this office.

present request. This ruling does not address the public availability of any information that is not responsive to the request, and the department is not required to release that information in response to the request.

Section 552.101 of the Government Code exempts 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 section 1001.2513 of the Education Code, which provides, in relevant part:

Information collected about a person to comply with Section 1001.2511, including the person’s name, address, phone number, social security number, driver’s license number, other identification number, and fingerprint records:

(1) may not be released except:

(A) to provide relevant information to driver education schools or otherwise to comply with Section 1001.2511;

(B) by court order; or

(C) with the consent of the person who is the subject of the information; [and]

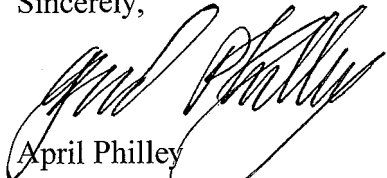
(2) is not subject to disclosure as provided by [the Act.]

Educ. Code § 1001.2513(1), (2). You argue the submitted responsive information is confidential pursuant to section 1001.2513 of the Education Code. You explain the responsive information was collected as part of the license application process, which requires a fingerprint background check under section 1001.2511. You further explain section 1001.2511 requires the department to review the national criminal history record information of a person who has applied for or holds a driver education instructor license. *See id.* § 1001.2511(a), (b). We have no indication any of the exceptions under section 1011.2513(1) apply. Based on your representations and upon review, we find the department must withhold the submitted responsive information under section 552.101 of the Government Code in conjunction with section 1001.2513 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 providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



April Philley
Assistant Attorney General
Open Records Division

AP/som

Ref: ID# 683633

c: Requestor