



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 9, 2018

Ms. Carolyn Matthis
Assistant City Attorney
City of Irving
P.O. Box 152288
Irving, Texas 75015-2288

OR2018-00593

Dear Ms. Matthis:

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# 692379.

The City of Irving (the "city") received a request for redlight-database information. The city states it does not have some of the requested information.¹ The city also states it has released some of the requested information, but claims some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted representative sample of information.²

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 section 730.004 of the Transportation Code, which provides, "[n]otwithstanding any other provision of law to the contrary, including [the

¹The Act does not require a governmental body to disclose information that did not exist when the request for information was received. *See generally Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed).

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.

Act], except as provided by Sections 730.005-730.007, an agency may not disclose personal information about any person obtained by the agency in connection with a motor vehicle record.” Transp. Code § 730.004; *see id.* § 730.003(4) (defining motor vehicle record, in part, as “a record that pertains to a motor vehicle operator’s or driver’s license or permit, motor vehicle registration, motor vehicle title, or identification document issued by an agency of this state”). For purposes of chapter 730 of the Transportation Code, section 730.013 provides, in part,

(a) An authorized recipient of personal information may not resell or redisclose the personal information in the identical or a substantially identical format the personal information was disclosed to the recipient by the applicable agency.

(b) An authorized recipient of personal information may resell or redisclose the information only for a use permitted under Section 730.007.


Id. § 730.013(a)-(b). The city states it contracts with American Traffic Solutions (“ATS”) to operate red light cameras at intersections in the city. We understand the city uses these cameras to photograph the license plates of vehicles that illegally proceed through those intersections. The city also states ATS then uses the license plate numbers of Texas registered vehicles to obtain additional motor vehicle record information from the Texas Department of Transportation (“TxDOT”). We note TxDOT is an agency under section 730.003(1) that obtains or compiles motor vehicle records. We further note the names of the owners of Texas registered vehicles obtained by ATS from TxDOT are considered personal information under section 730.003(6). *See id.* § 730.003(6) (personal information means information that identifies a person, including an individual’s photograph or computerized image, social security number, driver identification number, name, and address, but not zip code, telephone number, or medical or disability information). Accordingly, we find ATS, by obtaining motor vehicle information from TxDOT to assist the city in carrying out its functions, is an authorized recipient of personal information for purposes of section 730.013. *See id.* § 730.007(a)(2)(A)(ii) (authorized recipient includes a private entity acting on behalf of a government agency in carrying out the agency’s functions). Because the personal information of owners of Texas registered vehicles was obtained from TxDOT by an authorized recipient, and because this information is in the identical or substantially identical format that it was received by ATS from TxDOT, the personal information of owners of Texas registered vehicles is confidential under section 730.013(a) of the Transportation Code. We have no indication release of the information at issue would be for a use permitted under section 730.007. Therefore, the city must withhold the information it has marked, as well as the information we have marked,

under section 552.101 of the Government Code in conjunction with section 730.013(a) of the Transportation Code. The city must release the remaining information.³

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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/tdw

Ref: ID# 692379

Enc. Submitted documents

c: Requestor
(w/o enclosures)

³Because the requestor has a special right of access to some of the information being released, the city must again seek a decision from this office if it receives another request for the same information from another requestor.