



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 18, 2019

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

OR2019-07399

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# 760823 (TDLR PIR-20192798).

The Texas Department of Licensing and Regulation (the "department") received a request for information pertaining to certified driving education instructors in Bexar County.¹ You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

¹We note the department sought and received clarification of the information requested. See Gov't Code § 552.222(b) (providing if request for information is unclear, governmental body may ask requestor to clarify request); see also *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for information, ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

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 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.]

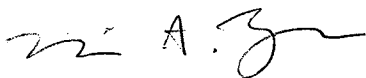
Educ. Code § 1001.2513(1), (2). The department argues the submitted information is confidential pursuant to section 1001.2513 of the Education Code. The department explains the submitted information was collected as part of the license application process, which requires a fingerprint background check under section 1001.2511. The department further explains 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 1001.2513(1) apply. Based on the department’s representations and our review, we find the department must withhold the submitted 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,

A handwritten signature in black ink, appearing to read "N. A. Ybarra". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nicholas A. Ybarra
Assistant Attorney General
Open Records Division

NAY/mo

Ref: ID# 760823

Enc. Submitted documents

c: Requestor
(w/o enclosures)