



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 20, 2019

Mr. Matthew Murray
Assistant City Attorney
City of Fort Worth
200 Texas Street 3rd Floor
Fort Worth, Texas 76102

OR2019-07760

Dear Mr. Murray:

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# 755357.

The City of Fort Worth (the "city") received a request for a specified police department report. You state the city released information to the requestor, but made redactions as permitted by section 552.130(c) of the Government Code without requesting a decision from this office. Pursuant to section 552.130(d), the requestor has asked this office to review the information redacted by the city and render a decision as to whether it is excepted from disclosure under section 552.130(a) of the Government Code. We have considered the city's position and reviewed the information.

Initially, we note this office issued Open Records Letter No. 2016-00620 (2016), a previous determination authorizing the city to withhold the dates of birth of public citizens under section 552.101 of the Government Code in conjunction with common-law privacy without requesting a decision from this office. *See* Gov't Code § 552.301(a); Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). However, we note the requestor has a right of access to her own private information pursuant to section 552.023 of the Government Code, and the city may not withhold the requestor's date of birth from her under section 552.101 of the Government Code in conjunction with common-law privacy. *See* Gov't Code § 552.023(a)

(“person’s authorized representative has special right of access, beyond right of general public, to information held by governmental body that relates to person and that is protected from public disclosure by laws intended to protect that person’s privacy interests”); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning herself). The city must continue to withhold the date of birth that does not belong to the requestor under section 552.101 of the Government Code in conjunction with common-law privacy.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator’s license, driver’s license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release. *See* Gov’t Code § 552.130. We note section 552.130 protects personal privacy. We further note the requestor indicates she is the authorized representative of the owners of the motor vehicle record information at issue. As such, the requestor, if acting as the owners’ authorized representative, has a right of access to the owners’ information. *See id.* § 552.023(a) (“[a] person or a person’s authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person’s privacy interests”); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when an individual or authorized representative asks governmental body to provide information concerning that individual). Therefore, to the extent the requestor is acting as the owners’ authorized representative, the city must release to the requestor the information pertaining to the owners. To the extent the requestor is not acting as the owners’ authorized representative, the city must continue to withhold the motor vehicle record information previously redacted under section 552.130 of the Government Code.

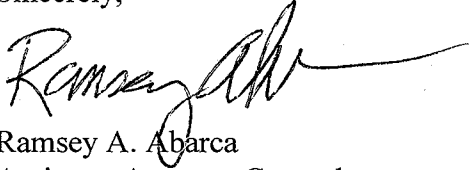
In summary, the city must continue to withhold the date of birth that does not belong to the requestor under section 552.101 of the Government Code in conjunction with common-law privacy. To the extent the requestor is not acting as the owners’ authorized representative, the city must continue to withhold the motor vehicle record information previously redacted under section 552.130 of the Government 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 "Ramsey Abarca", with a long horizontal flourish extending to the right.

Ramsey A. Abarca
Assistant Attorney General
Open Records Division

RAA/mo

Ref: ID# 755357

Enc. Submitted documents

c: Requestor
(w/o enclosures)