



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 23, 2019

Mr. Brad Bowman
General Counsel
Texas Department of Licensing and Regulation
P.O. Box 12159
Austin, Texas 78711

OR2019-26475

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# 785749 (ORR# 20196105).

The Texas Department of Licensing and Regulation (the "department") received a request for a list of driver education instructors in a specified area.¹ The department claims the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception the department claims and reviewed the submitted information.

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:

A social security number, driver's license number, other identification number, or fingerprint record collected for a person to comply with Section 1001.2511:

¹ The department states it sought and received clarification of the information requested. See Gov't Code § 552.222 (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, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

(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]

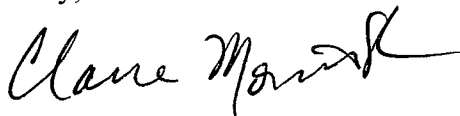
(2) is not subject to disclosure as provided by [the Act.]

Act of May 27, 2019, 86th Leg., R.S., H.B. 2847, § 2.004 (to be codified as an amendment to 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 information was collected as part of a driver education instructor 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). Upon review, however, we find the department has not demonstrated any portion of the submitted information consists of the types of information made confidential by section 1001.2513, and the department may not withhold any of the submitted information under section 552.101 on that basis. The department must release the submitted information.

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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/be

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Enc. Submitted documents

c: Requestor
(w/o enclosures)