



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 13, 2020

Mr. Thomas M. Gilliland
Media Relations
Harris County Sheriff's Office
1200 Baker Street, 2nd Floor
Houston, Texas 77002-1206

OR2020-10764

Dear Mr. Gilliland:

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# 821458 (ORR# 20SO8002053).

The Harris County Sheriff's Office (the "sheriff's office") received two requests from the same requestor for information pertaining to a named individual. The sheriff's office claims the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

The requestor is an investigator for the Texas Medical Board (the "board"). Section 153.006(a) of the Occupations Code provides the board "may receive criminal record reports from any law enforcement agency or another source regarding a license holder or license applicant." Occ. Code § 153.006(a). The requestor represents the named individual is a license holder or license applicant with the board. Thus, the requestor has a right of access to the submitted information pursuant to section 153.006. A statutory right of access prevails over the Act's general exceptions to public disclosure. *See* Open Records Decision Nos. 613 at 4 (1993) (exceptions in Act cannot impinge on statutory right of access to information), 451 (1986) (specific statutory right of access provisions overcome general exception to disclosure under the Act). Accordingly, the sheriff's office may not withhold the submitted information under section 552.108 of the Government Code.

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.¹ *See* Gov't Code § 552.130. The submitted driver's license number and issuing state is generally confidential under section 552.130 of the Government Code. Because section 552.130 has its own access provisions, it is not a general exception under the Act. *See id.* § 552.130(b) (information described by section 552.130(a) may only be released in manner authorized by chapter 730 of Transportation Code). Therefore, we must address the conflict between access provided under 153.006 of the Occupations Code and confidentiality provided under section 552.130 of the Government Code.

Where general and specific statutes are in irreconcilable conflict, the specific provision typically prevails as an exception to the general provision, unless the general provision was enacted later and there is clear evidence the legislature intended the general provision to prevail. *See id.* § 311.026(b); *City of Lake Dallas v. Lake Cities Mun. Util. Auth.*, 555 S.W.2d 163, 168 (Tex. Civ. App.—Fort Worth 1977, writ ref'd n.r.e.). Section 153.006 generally provides the board access to criminal record reports regarding a license holder or license applicant. *See* Occ. Code § 153.006(a). However, section 552.130 specifically protects motor vehicle record information. *See* Gov't Code § 552.130. Furthermore, section 552.130 was enacted later than section 153.006. *Compare* Act of August 5, 1981, 67th Leg., 1st C.S., ch. 1, § 1 (enacting statutory predecessor to section 153.006), *with* Act of June 20, 1997, 75th Leg., R.S., ch. 1187 § 4 (enacting section 552.130). Thus, we find the confidentiality provided by section 552.130 is more specific than the general right of access provided by section 153.006. Accordingly, the sheriff's office must withhold the submitted driver's license number and issuing state under section 552.130 of the Government Code, but release the remaining information pursuant to section 153.006 of the Occupations Code.²

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

¹ The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body. *See* Open Records Decision Nos. 481 at 2 (1987), 480 at 5 (1987).

² Because the requestor has a special right of access to some of the information being released, the sheriff's office must again seek a decision from this office if it receives another request for the same information from another requestor.

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,

James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/mo

Ref: ID# 821458

Enc. Submitted documents

c: Requestor
(w/o enclosures)