



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 15, 2020

Mr. C. David Richards
Associate General Counsel
Texas Department of Motor Vehicles
4000 Jackson Avenue
Austin, Texas 78731

OR2020-23307

Dear Mr. Richards:

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# 844169 (PIR No. 20-1633).

The Texas Department of Motor Vehicles (the "department") received a request for information.¹ You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code.² We have considered the exception you claim and reviewed the submitted representative sample of information.³

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. This exception encompasses section 1004.003 of the Transportation Code, which reads as follows:

¹ As you have not submitted a copy of the request for information, we take our description from your brief.

² We note the department did not comply with the requirements of section 552.301(e) of the Government Code in providing some of the information at issue. *See* Gov't Code § 552.301(e). Nonetheless, because section 552.101 of the Government Code can provide a compelling reason to overcome the presumption of openness, we will consider its applicability to the submitted information. *See id.* §§ 552.007, .302, .352.

³ We assume that 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 that those records contain substantially different types of information than that submitted to this office.

Information obtained during an investigation of a person regulated under Chapter 2301 or 2302, Occupations Code, or Chapter 503 or 643 of [the Transportation Code] is confidential is confidential and not subject to disclosure under Chapter 552, Government Code, until the investigation is dismissed or finally resolved only if the disclosure of that information would interfere with or jeopardize the investigation.

Trans. Code § 1004.003. You state the submitted information is part of an investigation of a complaint filed under Chapter 2301 of the Occupations Code against a person regulated under Transportation Code Chapter 503. You inform us that this investigation is still open. You also state release of the submitted information would interfere with or jeopardize the investigation. Based upon your representations and our review of the information at issue, we conclude the department must withhold the submitted information under section 552.101 of the Government Code and section 1004.003 of the Transportation 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 <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,

Emily Kunst
Assistant Attorney General
Open Records Division

EK/mo

Ref: ID# 844169

Enc. Submitted documents

c: Requestor
(w/o enclosures)