



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 5, 2022

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

OR2022-00361

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# 924407 (TxDMV PIR No. 22-0293).

The Texas Department of Motor Vehicles (the "department") received a request for information pertaining to a specified case number. 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 representative sample of information.¹

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 1004.003 of the Transportation Code, which provides as follows:

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 and not subject to disclosure under [the Act], until the investigation is dismissed or finally resolved only if the disclosure of that information would interfere with or jeopardize the investigation.

¹ We assume 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.

Transp. Code § 1004.003. The department states the submitted information pertains to a pending investigation of a person regulated under one or more chapters listed under section 1004.003. The department asserts release of the submitted information would interfere with or jeopardize the investigation. Based upon these representations, we conclude the department must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 1004.003 of the Transportation Code.

Finally, although you ask this office to issue a previous determination permitting the department to withhold certain information pertaining to pending investigations under section 552.101 of the Government Code in conjunction with section 1004.003 of the Transportation Code, we note that in Open Records Letter No. 2021-31528 (2021) this office issued a previous determination to the department to withhold, under section 552.101 of the Government Code in conjunction with section 1004.003 of the Transportation Code, information obtained during an investigation of a person regulated under one or more chapters listed in section 1004.003 of the Transportation Code until the investigation is dismissed or finally resolved only if the disclosure of that information would interfere with or jeopardize the investigation. *See* Gov't Code § 552.301(a) (allowing governmental body to withhold information subject to previous determination); Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) 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 <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,

Kimbell Kesling
Assistant Attorney General
Open Records Division

KK/jm

Ref: ID# 924407

Enc. Submitted documents

c: Requestor
(w/o enclosures)