



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 13, 2022

Ms. Helen Johnson  
Officer for Public Information  
North Texas Tollway Authority  
5900 West Plano Parkway, Suite 100  
Plano, Texas 75093

OR2022-10892

Dear Ms. Johnson:

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# 941914 (File No. 2022-00216).

The North Texas Tollway Authority (the "authority") received a request for dash camera recordings pertaining to a specified incident. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim 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 information that other statutes make confidential, such as section 366.178 of the Transportation Code, which provides, in relevant part, as follows:

(b-1) As an alternative to requiring payment of a toll at the time a vehicle is driven or towed through a toll assessment facility, the authority shall use video recording, photography, electronic data, transponders, or other tolling methods to permit the registered owner of the nonpaying vehicle to pay the toll at a later date or provide toll exemptions. Information collected under this subsection, including contact, payment, and other account information and trip data, is confidential and not subject to disclosure under [the Act].

Transp. Code § 366.178(b-1). Upon review, we find no portion of the submitted information consists of information made confidential under section 366.178(b-1). Therefore, the authority may not withhold any portion of the submitted information under section 552.101 of the Government Code in conjunction with section 366.178(b-1) of the Transportation Code.

Section 552.130 of the Government Code excepts from public disclosure 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. *See* Gov't Code § 552.130. We note section 552.130 protects personal privacy. We also note the requestor represents the insurance provider for the individual whose information is at issue. As such, the requestor, if acting as the individual's authorized representative, has a right of access to the insured's motor vehicle record information. *See id.* § 552.023(a) (person or person's authorized representative has special right of access to records that contain information relating to the person that are 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 individuals request information concerning themselves). Therefore, to the extent the requestor is acting as the insured's authorized representative, the authority must release the information at issue pertaining to the insured, but must withhold the remaining information we indicated under section 552.130 of the Government Code. To the extent the requestor is not acting as the insured's authorized representative, the authority must withhold the motor vehicle record information we indicated under section 552.130 of the Government Code. The authority must release the remaining 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,

Kimbell Kesling  
Assistant Attorney General  
Open Records Division

KK/mo

Ref: ID# 941914

Enc. Submitted documents

c: Requestor  
(w/o enclosures)