



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 22, 2022

Mr. James Kelly
Open Records Attorney
Texas Department of Insurance
P.O. Box 12030
Austin, Texas 78711

OR2022-29298

Dear Mr. Kelly:

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# 973027 (TDI Nos. R015916 and R015917).

The Texas Department of Insurance (the "department") received two requests from the same requestor for employment and licensing information related to two named individuals. You claim portions of the submitted information are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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. Accordingly, the department must withhold the motor vehicle record information we have marked under section 552.130 of the Government Code.²

¹ The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

² As our ruling is dispositive, we need not address your argument against disclosure of this information.

Section 552.101 of the Government Code excepts from public disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” *Id.* § 552.101. This section encompasses information protected by section 6002.056 of the Insurance Code. Section 6002.056 states “[r]ecords maintained by the department under this chapter on the home address, home telephone number, driver’s license number, or social security number of an applicant or a license or registration holder are confidential and are not subject to mandatory disclosure under [the Act].” Ins. Code § 6002.056. You assert portions of the remaining information are subject to section 6002.056. Upon review, we find the information we have marked consists of the home address, home telephone number, driver’s license number, or social security number of an applicant or a license or registration holder under chapter 6002 of the Insurance Code. Accordingly, we find the department must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 6002.056 of the Insurance Code. However, we find the remaining information at issue does not consist of records maintained by the department under chapter 6002 of the Insurance Code, and the department may not withhold it under section 552.101 of the Government Code on that basis. *See id.* § 6002.001 (chapter 6002 of the Insurance Code concerns fire detection and fire alarm devices and systems).

You state the department will redact the e-mail addresses you have marked in accordance with Open Records Decision No. 684 (2009).³ Section 552.137 of the Government Code excepts from disclosure “an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body” unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). *See* Gov’t Code § 552.137(a)-(c). We note subsection 552.137(c)(5) states that subsection 552.137(a) does not apply to an e-mail address “provided to a governmental body for the purpose of providing public comment on or receiving notices related to an application for a license as defined by Section 2001.003(2) of [the Government Code], or receiving orders or decisions from a governmental body.” *Id.* § 552.137(c)(5). The e-mail addresses at issue fall within the scope of subsection 552.137(c). Therefore, the department may not withhold any of the e-mail addresses you have marked under section 552.137 of the Government Code.

In summary, the department must: (1) withhold the motor vehicle record information we have marked under section 552.130 of the Government Code; (2) withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 6002.056 of the Insurance Code; and (3) release the remaining information.⁴

³ Open Records Decision No. 684 serves as a previous determination to all governmental bodies authorizing them to withhold certain categories of information, including personal e-mail addresses under section 552.137 of the Government Code, without the necessity of requesting an attorney general decision. *See* ORD 684.

⁴ We note the remaining information contains social security numbers. Subsection 552.147(b) of the Government Code authorizes a governmental body to redact a living person’s social security number from public release without the necessity of requesting a decision from this office under the Act. Gov’t Code § 552.147(b).

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,

Tim Neal
Assistant Attorney General
Open Records Division

TN/jm

Ref: ID# 973027

Enc. Submitted documents

c: Requestor
(w/o enclosures)