



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 13, 2015

Ms. Teresa L. Presley
Records Manager
City of Frisco
7200 Stonebrook Parkway
Frisco, Texas 75034

OR2015-14179

Dear Ms. Presley:

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# 571193 (ORR# 004552).

The City of Frisco (the "city") received a request for the call for service and audio recordings pertaining to a specified incident. You claim the submitted information is excepted from disclosure under section 552.130 of the Government Code. We have considered the exception you claim and reviewed the submitted information. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Section 552.130 of the Government Code excepts from 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 is excepted from public release. *See* Gov't Code § 552.130. You assert, and we agree, the submitted audio recordings contain motor vehicle record information that is excepted from disclosure under section 552.130. You argue the city does not possess the technological capability to redact information from audio files. However, because the city had the ability to copy the submitted audio recordings in order to submit them for our review, we believe the city has the capability to produce a copy of only the non-confidential portions of the audio recordings. Thus, the city may not withhold the entirety of the submitted audio recordings under section 552.130 of the Government Code. We note section 552.130

protects personal privacy. Upon review, therefore, we find the city must generally withhold the motor vehicle record information we have noted under section 552.130 of the Government Code; however, to the extent any portion of the motor vehicle record information at issue belongs to the requestor, it may not be withheld from him under section 552.130. *See id.* § 552.023(a) (governmental body may not deny access to person to whom information relates or person's agent on ground that information is considered confidential by privacy principles); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individuals request information concerning themselves). The remainder of the submitted audio recordings does not contain motor vehicle record information. Accordingly, the city may not withhold any portion of the remaining information under section 552.130 of the Government Code. As you raise no further exceptions to disclosure, the city 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 http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/som

Ref: ID# 571193

Enc. Submitted documents

c: Requestor
(w/o enclosures)