



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 16, 2016

Ms. Monique Campbell
Records Custodian
Leander Police Department
705 Leander Drive
Leander, Texas 78641

OR2016-03620

Dear Ms. Campbell:

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# 598588.

The Leander Police Department (the "department") received a request for specified video recordings, including video recordings of a specified exchange. You state the department released some information. You state the department does not have information responsive to a portion of the request.¹ You claim some of 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.

Section 552.1175 of the Government Code protects the home address, home telephone number, emergency contact information, date of birth, social security number, and family member information of certain individuals, when that information is held by a governmental body in a non-employment capacity and the individual elects to keep the information

¹ The Act does not require a governmental body to release information that did not exist when a request for information was received or to prepare new information in response to a request. See *Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267-68 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 452 at 3 (1986), 362 at 2 (1983).

confidential.² *See* Gov't Code § 552.1175. Section 552.1175 applies, in part, to “current or former employees of the [department] or of the predecessor in function of the department or any division of the department[.]” *Id.* § 552.1175(a)(3). One of the submitted video recordings contains an audio portion that relates to an employee of the department, and the information is not held in an employment capacity. We note the audio portions of the video recordings are intertwined with the video portions of the recordings. You state the department lacks the technological capability to redact the confidential information in the video recordings. Accordingly, if the individual at issue elects to restrict access to her information in accordance with section 552.1175(b), the department must withhold the video recording we indicated in its entirety under section 552.1175 of the Government Code. *See* Open Records Decision No. 364 (1983).

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. *See* Gov't Code § 552.130. Upon review, we find the audio portion of one of the submitted video recordings contains motor vehicle record information. As previously noted, the department lacks the technological capability to redact the confidential information in the video recordings. Accordingly, the department must withhold the video recording we indicated in its entirety under section 552.130 of the Government Code. *See* ORD 364.

In summary, if the individual at issue elects to restrict access to her information in accordance with section 552.1175(b), the department must withhold the video recording we indicated in its entirety under section 552.1175 of the Government Code. The department must withhold the video recording we indicated in its entirety under section 552.130 of the Government Code. The department must release the remaining information.

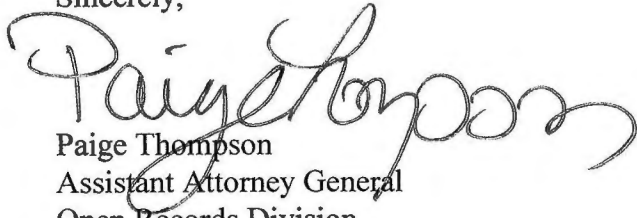
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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

²The 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).

providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in cursive script that reads "Paige Thompson". The signature is written in black ink and is positioned above the printed name and title.

Paige Thompson
Assistant Attorney General
Open Records Division

PT/dls

Ref: ID# 598588

Enc. Submitted documents

c: Requestor
(w/o enclosures)