



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 1, 2016

Ms. Lacie Hale  
City Secretary  
City of West Lake Hills  
911 Westlake Drive  
West Lake Hills, Texas 78746-4509

OR2016-04850

Dear Ms. Hale:

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# 600958.

The West Lake Hills Police Department (the "department") received a request for information related to case number 15-00434. You state the department will release some of the requested information. You claim the submitted information is excepted from disclosure under section 552.130 of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information.

Section 552.130 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 the submitted audio and video recordings contain motor vehicle record information that is excepted from disclosure under section 552.130. Upon review, we agree the submitted video recordings, and some of the submitted audio recordings, contain confidential motor vehicle record information. We note section 552.130 protects personal privacy. Accordingly, the requestor has a right of access to his client's motor vehicle record information under section 552.023 of the Government Code and it may not be withheld from him under section 552.130. *See id.* § 552.023(a)

---

<sup>1</sup>Although you also raise section 552.101 of the Government Code in conjunction with section 552.130 of the Government Code, this office has concluded section 552.101 does not encompass other exceptions found in the Act. *See* Open Records Decision Nos. 676 at 1-2 (2002), 575 at 2 (1990). Accordingly, we do not address your argument under section 552.101.

(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). Nevertheless, you state the department does not possess the technological capability to redact information from video files. Thus, we agree the department must withhold the entire video recordings under section 552.130 of the Government Code. *See* Open Records Decision No. 364 (1983).


You also state the department does not possess the technological capability to redact information from audio files. However, because the department had the ability to copy the submitted audio recordings in order to submit them for our review, we believe the department has the capability to produce a copy of only the non-confidential portions of the audio recordings. Therefore, the department must withhold only the portions of the submitted audio recordings consisting of motor vehicle record information not belonging to the requestor's client, which we have noted, under section 552.130 of the Government Code. We further find the remaining audio recordings do not contain motor vehicle record information. Accordingly, the department may not withhold any portion of the remaining information under section 552.130 of the Government Code.

In summary, the department must withhold the entire video recordings under section 552.130 of the Government Code. The department must also withhold the portions of the audio recordings we have noted 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](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# 600958

Enc. Submitted documents

c: Requestor  
(w/o enclosures)