



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

December 5, 2016

Mr. L. Brian Narvaez  
Counsel for City of McKinney  
Brown & Hofmeister, L. L. P.  
740 East Campbell Road, Suite 800  
Richardson, Texas 75081

OR2016-26887

Re: Request for 13 categories of information regarding report no. 2016088309 involving named individual on 09/20/16 including reports, call sheets, complete 911 recordings/calls, field notes, photographs, witness statements, etc.

Dear Mr. Narvaez:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 639279 (ORR# P001857-100416).

After reviewing your arguments and the submitted information, we have determined your request does not present a novel or complex issue. Thus, we are addressing your claims in a memorandum opinion. You state you do not have some of the requested information<sup>1</sup> and have released some of the requested information. You claim the submitted video recordings must be withheld from the requestor in their entireties pursuant to section 552.130 of the Government Code because you lack the technological capability to redact the motor vehicle record information not pertaining to the requestor from the recordings. Thus, we agree you must withhold the submitted video recordings in accordance with section 552.130 of the Government Code.<sup>2</sup>

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<sup>1</sup>The Act does not require a governmental body to release information that did not exist when it received a request, create responsive information, or obtain information that is not held by the governmental body or on its behalf. See *Economic Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 555 at 1 (1990), 452 at 3 (1986), 362 at 2 (1983).

<sup>2</sup>Because section 552.130 is dispositive, we need not address your section 552.101 of the Government Code assertion.

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For more information on the cited exception, please refer to the open government information on our website at <https://www.texasattorneygeneral.gov/og/memorulings>. You may also contact our Open Government Hotline at 1-877-OPENTEX.

Ref: ID#639279

Enc: Submitted document

c: Requestor  
(w/o enclosure)