



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 15, 2016

Ms. Lori J. Kasper
Hood County Attorney
Hood County Attorney's Office
1200 West Pearl Street
Granbury, Texas 76048

OR2016-27767

Dear Ms. Kasper:

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# 638122 (Reference No. S1617497).

The Hood County Sheriff's Office (the "sheriff's office") received a request for all information related to a specified public intoxication incident. You state you will release some information to the requestor. You claim some of the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's or driver's license or permit, a motor vehicle title or registration, or a personal identification document issued by an agency of this state or another state or country is excepted from public release. Gov't Code § 552.130(a). You state, and we agree, the submitted video recording contains motor vehicle record information subject to section 552.130. You also state the sheriff's office lacks the technological capability to redact the motor vehicle record information from this recording. Based on this representation, we conclude the sheriff's office must withhold the submitted video recording in its entirety under section 552.130. *See* Open Records Decision No. 364 (1983). However, because the sheriff's office had the ability to copy the submitted audio recordings in order to submit the requested information for our review, we believe the sheriff's office has the capacity to produce copies of only the non-confidential portions of the submitted audio recordings. Further, we note section 552.130 protects personal privacy, and one of the audio recordings at issue includes motor vehicle record information belonging to the requestor. Thus, the

requestor has a right of access to his own 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* Gov't Code § 552.023(b) (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). Moreover, portions of the remaining information also consist of motor vehicle record information subject to section 552.130. Thus, the sheriff's office must withhold this information, which we have marked, under section 552.130 of the Government Code. However, the remaining information does not contain motor vehicle record information. Therefore, the sheriff's office may not withhold any of the remaining information under section 552.130 of the Government Code.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information made confidential by other statutes, such as chapter 772 of the Health and Safety Code, which authorizes the development of local emergency communication districts. Section 772.318 of the Health and Safety Code applies to an emergency communication district for a county with a population of more than 20,000 and makes confidential the originating telephone numbers and addresses of 9-1-1 callers that are furnished by a 9-1-1 service supplier. *See* Open Records Decision No. 649 (1996). We understand you to assert Hood County is part of an emergency communication district that is subject to section 772.318 of the Health and Safety Code. You state the telephone number at issue in the submitted information consists of the originating telephone number furnished by a 9-1-1 service supplier. Accordingly, the sheriff's office must withhold the information we have marked and indicated under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. However, we find no portion of the remaining information you marked consists of an originating telephone number or address of a 9-1-1 caller furnished by a 9-1-1 service provider, and it may not be withheld under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code.

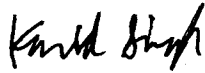
In summary, the sheriff's office must withhold the information we have marked and the submitted video recording in its entirety under section 552.130 of the Government Code. The sheriff's office must withhold the information we have marked and indicated under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. The sheriff's office must release the remaining information.¹

¹We note the requestor has a right of access to some information being released pursuant to section 552.023 of the Government Code. *See* Gov't Code § 552.023(a); ORD 481 at 4. Accordingly, if the sheriff's office receives another request for this information from a different requestor, then the sheriff's office should again seek a ruling from this office.

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,



Kavid Singh
Assistant Attorney General
Open Records Division

KVS/bhf

Ref: ID# 638122

Enc. Submitted documents

c: Requestor
(w/o enclosures)