



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 6, 2017

Ms. Alexis G. Allen
Counsel for the City of Red Oak
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
500 North Akard
Dallas, Texas 75201

OR2017-02580

Dear Ms. Allen:

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# 644715 (Reference No. 81552).

The Red Oak Police Department (the "department"), which you represent, received a request for thirteen categories of information pertaining to a specified incident. You state the department will release some responsive information, including the CR-3 accident report form. *See* Transp. Code § 550.065(c) (providing for release of accident report to person or entity listed under this subsection). 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.

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 submitted video recordings contain motor vehicle record information subject to section 552.130 that does not relate to the requestor's client. Further, we note the audio portions of the recordings are intertwined with the video portions of the video recordings. You state the department does not have the technological capability to redact this motor vehicle record information from the recordings. Accordingly, we conclude the department

must withhold the video recordings at issue in their entirety under section 552.130 of the Government Code. *See* Open Records Decision No. 364 (1983).

Finally, you ask this office to issue a previous determination permitting the department to withhold video recordings depicting license plates, provided the requestor does not have a special right of access, in their entirety under section 552.130 of the Government Code without the necessity of requesting a decision under section 552.301 of the Government Code. *See id.* § 552.301(a) (allowing a governmental body to withhold information subject to previous determination); Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). We decline to issue such a previous determination at this time. Accordingly, 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,



Kieran Hillis
Assistant Attorney General
Open Records Division

KH/sb

Ref: ID# 644715

Enc. Submitted documents

c: Requestor
(w/o enclosures)