



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 7, 2017

Ms. Derenda Rush  
Service Department  
Amarillo Police Department  
200 Southeast Third Avenue  
Amarillo, Texas 79101-1514

OR2017-04851

Dear Ms. Rush:

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# 648095 (Ref. No. 16-2945).

The Amarillo Police Department (the "department") received a request for information pertaining to a specified incident involving a named individual. We understand you have released some information to the requestor. You claim the submitted information is excepted from disclosure under section 552.152 of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information.

Section 552.152 of the Government Code provides:

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from [required

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<sup>1</sup>We note, and you acknowledge, the department did not comply with section 552.301 of the Government Code in requesting this decision. *See* Gov't Code § 552.301(b). Nonetheless, because section 552.152 of the Government Code can provide a compelling reason to overcome the presumption of openness, we will consider its applicability to the submitted information. *See id.* §§ 552.007, .302, .352.

public disclosure] if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm.

Gov't Code § 552.152. You inform us the submitted dash camera video recording reveals the identity of an undercover department officer. You assert release of this information would subject the department officer to a substantial threat of physical harm. Based on your representations and our review, we conclude you have demonstrated release of some the submitted information would subject a police officer to a substantial threat of physical harm. Therefore, the department must withhold the information we have indicated under section 552.152 of the Government Code. However, we find the department has failed to demonstrate the release of the remaining information would subject an employee or officer of the department to a substantial threat of harm. Thus, the department may not withhold any of the remaining information under section 552.152.

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.<sup>2</sup> *See id.* § 552.130. Accordingly, the department must withhold the motor vehicle record information we have indicated under section 552.130 of the Government Code.

In summary, the department must withhold the information we have indicated under section 552.152 of the Government Code. The department must withhold the motor vehicle record information we have indicated 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.

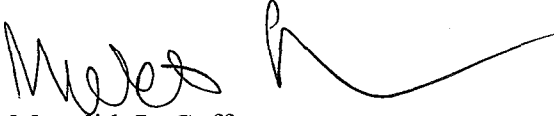
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for

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<sup>2</sup>The 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). Additionally, we note section 552.130 also can provide a compelling reason to overcome the department's failure to comply with section 552.301 of the Government Code. *See* Gov't Code §§ 552.007, .301, .302, .352.

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 black ink, appearing to read 'Meredith L. Coffman', with a long, sweeping horizontal line extending to the right.

Meredith L. Coffman  
Assistant Attorney General  
Open Records Division

MLC/eb

Ref: ID# 648095

Enc. Submitted documents

c: Requestor  
(w/o enclosures)