



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 15, 2017

Ms. Judy Hickman
Assistant Supervisor
City of Beaumont
P.O. Box 3827
Beaumont, Texas 77704

OR2017-05343

Dear Ms. Hickman:

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# 651860.

The Beaumont Police Department (the "department") received a request for a specified accident report, and a second request from a different requestor for all dash camera videos, 9-1-1 recordings, and any other documentation relating to the same specified accident. The department states it has released or will release the 9-1-1 recordings to the second requestor. The department claims the submitted information is excepted from disclosure under section 552.130 of the Government Code.¹ We have considered the claimed exception and reviewed the submitted information.

Initially, we note the first requestor only seeks the specified accident report. Accordingly, the submitted dash camera recordings are not responsive to the first request, and the department need not release non-responsive information in response to this request.

Next, as previously noted, the department has only submitted dash camera recordings for our review. To the extent the specified accident report existed on the date the department received the first request, we assume the department has released it to the first requestor.

¹We note the department did not comply with section 552.301 of the Government Code in requesting a ruling from this office. *See* Gov't Code § 552.301(b), (e). Nonetheless, as section 552.130 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.

Furthermore, to the extent any additional documentation responsive to the second request existed on the date the department received the second request, we assume the department has released it to the second requestor. If the department has not released this information to each requestor, it must do so at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

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 Texas or another state or country is excepted from public release. Gov't Code § 552.130(a). Upon review, we find the submitted video recordings contain information subject to section 552.130. The department states it does not have the technological capability to redact the motor vehicle record information from the video recordings. Accordingly, the department must withhold the submitted video recordings in their entireties under section 552.130 of the Government Code. *See* Open Records Decision No. 364 (1983).

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,



Gerald A. Arismendez
Assistant Attorney General
Open Records Division

GAA/som

Ref: ID# 651860

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)