



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 20, 2017

Mr. Robert Scamardo
General Counsel
Department of Legal Services
Fort Bend I.S.D.
16431 Lexington Boulevard
Sugar Land, Texas 77479

OR2017-05605

Re: Request for a case pertaining to an incident that occurred on 05/06/2013 at a named location (ORR # 2016-17-254).

Dear Mr. Scamardo:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 650367.

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.¹ You claim the video recording must be withheld from the requestor in its entirety pursuant to section 552.130 of the Government Code because you lack the technological capability to redact the motor vehicle record information from the recording. Thus, we agree you must withhold the video recording in accordance with section 552.130 of the Government Code.²

¹We note you failed to comply with the procedural requirements of section 552.301(b) of the Government Code in requesting a decision from this office. *See* Gov't Code § 552.301(b). Nonetheless, sections 552.119 and 552.130 of the Government Code provide compelling reasons to overcome the presumption of openness caused by a failure to comply with section 552.301. *See id.* §§ 552.007, .302. Thus, we will consider your arguments under sections 552.119 and 552.130.

²As our ruling is dispositive, we need not address your argument under section 552.119 of the Government Code.

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.

Enc. Submitted documents

c: Requestor
(w/o enclosures)