



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 30, 2017

Mr. John Saenz
Crime Records Office
McAllen Police Department
P.O. Box 220
McAllen, Texas 78501

OR2017-14745

Dear Mr. Saenz:

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# 664050.

The McAllen Police Department (the "department") received a request for thirteen categories of information related to a specified accident involving the requestor's client. You state you have released some information to the requestor, including the CR-3 accident report pursuant to section 550.065 of the Transportation Code. *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 sections 552.101 and 552.130 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

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 thus encompasses information made confidential by other

¹Although you also raise section 552.108 of the Government Code, you have not provided any arguments to support this exception. Therefore, we assume you have withdrawn your claim this section applies to the submitted information. *See* Gov't Code §§ 552.301, .302.

statutes. You contend portions of the submitted audio recordings are excepted from disclosure under section 552.101 in conjunction with section 772.318(c) of the Health and Safety Code. Chapter 772 of the Health and Safety Code relates to local emergency communication districts. Section 772.318 applies to an emergency 9-1-1 district established in accordance with chapter 772, and makes confidential the originating telephone numbers and addresses of 9-1-1 callers that are furnished by a service supplier. *See* Open Records Decision No. 649 (1996).

You state the City of McAllen is within an emergency communication district that was established under section 772.318.² You state the submitted audio recordings contain the originating telephone number of a 9-1-1 caller, which is confidential. Upon review, we find no portion of the submitted audio recordings consist of the originating telephone number or address of a 9-1-1 caller that was furnished by a 9-1-1 service supplier. Accordingly, no portion of the submitted audio recordings may be withheld under section 552.101 in conjunction with section 772.318 of the Health and Safety Code.

Section 552.130 of the Government Code excepts from disclosure 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 recording contains confidential motor vehicle record information. In this instance, you state the department does not possess the technological capability to redact information from video files. Thus, we agree the department must withhold the submitted video recording containing motor vehicle record information in its entirety under section 552.130 of the Government Code.³ *See* Open Records Decision No. 364 (1983). 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, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for

²Section 772.318 applies to an emergency communication district for a county with a population of more than 20,000.

³As our ruling is dispositive, we need not address your remaining argument against disclosure of the submitted information.

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 "Ian Lancaster". The signature is fluid and cursive, with the first name "Ian" being more prominent than the last name "Lancaster".

Ian Lancaster
Assistant Attorney General
Open Records Division

IML/tdw

Ref: ID# 664050

Enc. Submitted documents

c: Requestor
(w/o enclosures)