



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 10, 2017

Mr. Adam Anderson
Assistant County Attorney
Montgomery County
501 North Thompson, Suite 300
Conroe, Texas 77301

OR2017-15233

Dear Mr. Anderson:

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# 668160 (ORR# 17PIA225).

The Montgomery County Sheriff's Office (the "sheriff's office") received a request for information pertaining to a specified accident. The sheriff's office states it has released some of the requested information, but 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.

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.* The submitted video recording contains motor vehicle record information that is subject to section 552.130. The sheriff's office represents the requestor does not have a right of access to this information pursuant

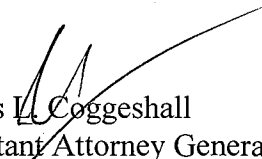
¹The sheriff's office acknowledges, and we agree, it did not comply with the requirements of section 552.301(b) of the Government Code. *See Gov't Code § 552.301(b).* Nevertheless, because section 552.130 of the Government Code can provide a compelling reason to overcome the presumption of openness caused by a failure to comply with section 552.301, we will consider the claim of the sheriff's office under that section.

to section 552.023 of the Government Code. *See id.* § 552.023(a) (“[a] person or a person’s authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person’s privacy interests”); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individuals request information concerning themselves). The sheriff’s office also states it lacks the technical capability to redact the information subject to section 552.130 from the video recording. Based on these representations, we agree the sheriff’s office must withhold the submitted video recording in its entirety under section 552.130.

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,


James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/bw

Ref: ID# 668160

Enc. Submitted documents

c: Requestor
(w/o enclosures)