



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 12, 2017

Ms. Katie Lentz
Open Records
Williamson County Sheriff's Office
508 South Rock Street
Georgetown, Texas 78626

OR2017-15513

Dear Ms. Lentz:

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# 666095.

The Williamson County Sheriff's Office (the "sheriff's office") received a request for information pertaining to three of the requestor's clients during a specified time period. You claim some of the submitted information is excepted from disclosure under sections 552.101, 552.117, and 552.130 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information. We have also received and considered comments submitted by a third party on behalf of the requestor. *See* Gov't Code § 552.304 (interested party may submit written comments stating why information should or should not be released).

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 id.* § 552.130. Upon review, we find some of the submitted information, including the submitted video recordings, contain confidential motor vehicle record information. You state the sheriff's office does not have the technological capability to redact the motor vehicle record information from the video recordings. Accordingly, the sheriff's office must withhold the submitted video recordings in their

¹We note, and you acknowledge, the sheriff's office did not comply with section 552.301 of the Government Code in requesting this decision. *See* Gov't Code § 552.301(b). Nonetheless, because sections 552.101, 552.117, and 552.130 of the Government Code can provide compelling reasons to overcome the presumption of openness, we will consider these exceptions applicability to the submitted information. *See id.* §§ 552.007, .302, .352.

entireties, the information you marked, and the additional information we marked under section 552.130 of the Government Code.²

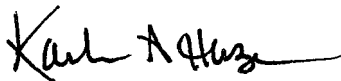
Section 552.101 excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” *Id.* § 552.101. Section 552.101 encompasses the doctrine of common-law privacy. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). Under the common-law right of privacy, an individual has a right to be free from the publicizing of private affairs in which the public has no legitimate concern. *Id.* at 682. The court of appeals has concluded public citizens’ dates of birth are protected by common-law privacy pursuant to section 552.101. *Paxton v. City of Dallas*, No. 03-13-00546-CV, 2015 WL 3394061, at *3 (Tex. App.—Austin May 22, 2015, pet. denied) (mem. op.). Thus, the sheriff’s office must withhold all public citizens’ dates of birth in the remaining information under section 552.101 of the Government Code.

In summary, the sheriff’s office must withhold the submitted video recordings in their entireties, the information you marked, and the additional information we marked under section 552.130 of the Government Code. The sheriff’s office must withhold all public citizens’ dates of birth in the remaining information under section 552.101 of the Government Code. The sheriff’s office 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 providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Kaelan A. Henze
Attorney
Open Records Division

KAH/eb

²As our ruling is dispositive, we need not address the sheriff’s office’s remaining arguments against disclosure of the information at issue.

Ref: ID# 666095

Enc. Submitted documents

c: Requestor
(w/o enclosures)