



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 15, 2017

Ms. Sylvia McClellan
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
1400 South Lamar
Dallas, Texas 75215

OR2017-18535

Dear Ms. McClellan:

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# 671167 (ORR# 2017-00775).

The Dallas Police Department (the "department") received a request for information pertaining to a specified car crash. The department claims some of the submitted information is excepted from disclosure under sections 552.101, 552.1175, and 552.130 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted representative sample of information.²

¹We note, and you acknowledge, the department failed to comply with the procedural requirements of section 552.301 of the Government Code in requesting a decision from this office. *See* Gov't Code § 552.301(b), (e). Nonetheless, because sections 552.101, 552.1175, and 552.130 of the Government Code can provide compelling reasons to overcome the presumption of openness, we will consider the applicability of these sections to the submitted information. *See id.* §§ 552.007, .302, .352. Additionally, we note although you raise section 552.117 of the Government Code, we note section 552.1175 is the proper exception to raise for information not held in an employment context.

²We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Section 552.101 of the Government Code exempts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. This section encompasses chapter 772 of the Health and Safety Code, which authorizes the development of local emergency communication districts. Section 772.318 of the Health and Safety Code applies to an emergency communication district for a county with a population of more than 20,000 and makes confidential the originating telephone numbers and addresses of 9-1-1 callers that are furnished by a 9-1-1 service supplier. *See* Open Records Decision No. 649 (1996). We understand the City of Dallas is part of an emergency communication district that is subject to section 772.318 of the Health and Safety Code. We conclude the department must withhold the marked telephone number under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code if it consists of an originating telephone number furnished by a 9-1-1 service supplier. If the marked information does not consist of an originating telephone number provided by a 9-1-1 service supplier, then it may not be withheld under section 552.101 in conjunction with section 772.318.

Section 552.1175 of the Government Code protects the home address, home telephone number, emergency contact information, date of birth, social security number, and family member information of certain individuals, when that information is held by a governmental body in a non-employment capacity and the individual elects to keep the information confidential. Gov’t Code § 552.1175. Section 552.1175 applies, in part, to “peace officers as defined by Article 2.12, Code of Criminal Procedure[.]” *Id.* § 552.1175(a)(1). Upon review, we find the dash camera video recording contains information that may be subject to section 552.1175. Accordingly, to the extent the information you have indicated in the dash camera video recording pertains to a licensed peace officer who elects to restrict access to the information at issue in accordance with section 552.1175(b), the department must withhold this information under section 552.1175 of the Government Code. Conversely, if the individual at issue is not a licensed peace officer or does not elect to restrict access to the indicated information in accordance with section 552.1175(b), the department may not withhold the information at issue under section 552.1175 of the Government Code.

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. Accordingly, the department must withhold the motor vehicle record information you marked within the submitted documents under section 552.130 of the Government Code. The department must also withhold all discernible motor vehicle record information within the submitted dash camera video recording under section 552.130 of the Government Code. The department also asserts, and we agree, the submitted Safelight video recording contains confidential motor vehicle record information that is excepted from disclosure under section 552.130. In this instance, the department states neither it nor its third-party vendor possesses the technological capability to redact information from Safelight video files. Thus, we agree the department must withhold the

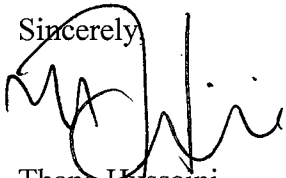
entirety of the submitted Safelight video recording under section 552.130 of the Government Code. *See* Open Records Decision No. 364 (1983).

In summary, the department must withhold the marked telephone number under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code if it consists of an originating telephone number furnished by a 9-1-1 service supplier. To the extent the information you have indicated in the dash camera video recording pertains to a licensed peace officer who elects to restrict access to the information at issue in accordance with section 552.1175(b), the department must withhold this information under section 552.1175 of the Government Code. The department must withhold the motor vehicle record information you marked within the submitted documents, all discernible motor vehicle record information within the submitted dash camera video recording, and the entirety of the submitted Safelight video recording under section 552.130 of the Government Code. 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 providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Thana Hussaini
Assistant Attorney General
Open Records Division

TH/sb

Ref: ID# 671167

Enc. Submitted documents

c: Requestor
(w/o enclosures)