



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 2, 2017

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

OR2017-25083

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# 682588.

The Williamson County Sheriff's Office (the "sheriff's office") received a request for information pertaining to a specified incident involving the requestor's client. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim 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. Upon review, we find portions of the submitted information consist of motor vehicle record information. We note some of the submitted video recordings also contain motor vehicle record information that is subject to section 552.130. You state the sheriff's office lacks the technical capability to redact the information subject to section 552.130 from the video recordings. Thus, we find the sheriff's office must withhold the motor vehicle record information it has marked, and the video recordings we have indicated in their entirety, under section 552.130 of the Government

Code.¹ See Open Records Decision No. 364 (1983). However, we find none of the remaining information is subject to section 552.130 and thus, none of this information may be withheld on that basis.

Section 552.101 of the Government Code excepts “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. Section 552.101 encompasses the doctrine of common-law privacy, which protects information that is (1) highly intimate or embarrassing, the publication of which would be highly objectionable to a reasonable person, and (2) not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. *Id.* at 681-82. Types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation*. *Id.* at 683. The court of appeals has concluded public citizens’ dates of birth are protected by common-law privacy pursuant to section 552.101. See *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). Upon review, we find one of the submitted video recordings contains information that meets the standard articulated by the Texas Supreme Court in *Industrial Foundation*. You state the sheriff’s office lacks the technical capability to redact this information from the recording. See ORD 364. Accordingly, the sheriff’s office must withhold the recording we indicated in its entirety under section 552.101 of the Government Code in conjunction with common-law privacy. However, the sheriff’s office failed to demonstrate any of the remaining information is highly intimate or embarrassing and of no legitimate concern to the public. Accordingly, the sheriff’s office may not withhold any of the remaining information under section 552.101 of the Government Code in conjunction with common-law privacy.

In summary, we find the sheriff’s office must withhold the motor vehicle record information it has marked, and the video recordings we have indicated in their entireties, under section 552.130 of the Government Code. The sheriff’s office must withhold the recording we indicated in its entirety under section 552.101 of the Government Code in conjunction with common-law privacy. 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

¹As our ruling is dispositive, we need not address your remaining arguments against disclosure of this 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 cursive script, appearing to read "D. Michelle Case".

D. Michelle Case
Attorney
Open Records Division

DMC/som

Ref: ID# 682588

Enc. Submitted documents

c: Requestor
(w/o enclosures)