



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 21, 2017

Ms. Judy Hickman
Assistant Supervisor
Beaumont Police Department
P.O. Box 3827
Beaumont, Texas 77704

OR2017-26625

Dear Ms. Hickman:

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# 687248.

The Beaumont Police Department (the "department") received a request for all records related to a specified address during a specified time period. You state you have released some information. 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 552.101 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 of the Government Code 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.). Upon review, we find information in some of the submitted video recordings, which we have indicated, satisfies the standard articulated by the Texas Supreme Court in *Industrial Foundation*. You state the department lacks the technological capability to redact the confidential information in the video recordings at issue. Therefore, the

department must withhold the submitted video recordings we have indicated in their entireties under section 552.101 of the Government Code in conjunction with common-law privacy.¹ *See* Open Records Decision No. 364 (1983).

You assert the remaining video recordings contain motor vehicle record information that is excepted from disclosure under section 552.130 of the Government Code. Section 552.130 provides information relating to a motor vehicle operator's or driver's license or permit, or 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. Gov't Code § 552.130(a). Upon review, we agree the remaining video recordings contain motor vehicle record information. As noted above, you state the department does not possess the technological capability to redact information from video files. Thus, we agree the department must withhold the entirety of the remaining video recordings under section 552.130 of the Government Code. *See* ORD No. 364.

In summary, the department must withhold the submitted video recordings we have indicated in their entireties under section 552.101 of the Government Code in conjunction with common-law privacy. The department must withhold the entirety of the remaining video recordings under section 552.130 of the Government Code.

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,



Kelly McWethy
Assistant Attorney General
Open Records Division

KSM/som

¹As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.

Ref: ID# 687248

Enc. Submitted documents

c: Requestor
(w/o enclosures)