



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 28, 2017

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

OR2017-26956

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# 685658.

The Williamson County Sheriff's Office (the "sheriff's office") received a request for thirteen categories of information pertaining to a specified accident. The sheriff's office claims some of the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the claimed exceptions and reviewed the submitted information.

Initially, we note the sheriff's office has only submitted an event report and dash camera recordings in response to the request for information. To the extent any additional information responsive to the request existed on the date the sheriff's office received the request, we assume the sheriff's office has released it. If the sheriff's office has not released any such information, it must do so at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

Section 552.130 excepts from disclosure 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. We note section 552.130 protects personal privacy.

Accordingly, the requestor has a right of access to his client's own motor vehicle record information under section 552.023 of the Government Code and it may not be withheld from him under section 552.130. *See id.* § 552.023(a) (governmental body may not deny access to person to whom information relates or person's agent on ground that information is considered confidential by privacy principles); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individuals request information concerning themselves). Upon review, we find the submitted video recordings contain motor vehicle record information that does not belong to the requestor's client. In this instance, the sheriff's office states it does not possess the technological capability to redact information from video files. Accordingly, the sheriff's office must withhold the submitted video recordings in their entirety under section 552.130 of the Government Code.¹ *See* Open Records Decision No. 364 (1983). Further, we note some of the remaining information is subject to section 552.130. We note some of the motor vehicle record information at issue may belong to the requestor's client, and, as such, the requestor may have a right of access to such information. *See* Gov't Code § 552.023(a); ORD 481 at 4. However, because we are unable to determine whether the information at issue belongs to the requestor's client, we must rule conditionally. To the extent the motor vehicle record information we have marked belongs to the requestor's client, the sheriff's office must release it under section 552.023 of the Government Code. To the extent the motor vehicle record information we have marked does not belong to the requestor's client, the sheriff's office must withhold it under section 552.130 of the Government Code. The sheriff's office must release the remaining information.²

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.

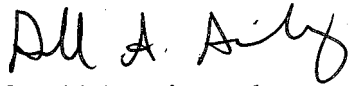
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at <http://www.texasattorneygeneral.gov/open/>

¹As our ruling is dispositive, we need not address the sheriff's office's remaining argument against disclosure of this information.

²We note the information being released in this instance includes the requestor's client's motor vehicle record information to which the requestor has a right of access under section 552.023 of the Government Code. *See* Gov't Code § 552.023(a); ORD 481 at 4. Section 552.130(c) of the Government Code allows a governmental body to redact the information described in section 552.130(a) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e). Thus, if the sheriff's office receives another request for this information from a person who does not have such a right of access, section 552.130(c) authorizes the sheriff's office to redact the requestor's client's motor vehicle record information.

[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,



Gerald A. Arismendez
Assistant Attorney General
Open Records Division

GAA/tdw

Ref: ID# 685658

Enc. Submitted documents

c: Requestor
(w/o enclosures)