



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 30, 2017

Mr. John Saenz
Crime Records Office
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR2017-27298

Dear Mr. Saenz and Mr. Garcia:

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# 685766 (W024922).

The City of McAllen and the McAllen Police Department (collectively, the "city") received three requests from different requestors for information pertaining to a specified incident and specified police department policies and procedures. You claim some of 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.

Initially, we note the city has not submitted the requested police department policies and procedures. To the extent any information responsive to this portion of the request existed on the date the city received the request, we assume the city has released it. If the city 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).

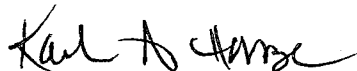
Section 552.130 of the Government Code provides information relating to a motor vehicle operator's or driver's license or permit, a motor vehicle title or registration, or a personal identification document issued by an agency of Texas or another state or country is excepted from public release. Gov't Code § 552.130(a). Upon review, we find the submitted video recordings contain information subject to section 552.130. We note the audio portions of the video recordings are intertwined with the video portions of the recordings. You state the city

does not have the technological capability to redact the motor vehicle record information from the video recordings at issue. Accordingly, the city must withhold the submitted video recordings in their entireties under section 552.130 of the Government Code.¹ See Open Records Decision No. 364 (1983). As the city raises no further exceptions to disclosure, the city 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
Assistant Attorney General
Open Records Division

KAH/gw

Ref: ID# 685766

Enc. Submitted documents

c: 3 Requestors
(w/o enclosures)

¹As our ruling is dispositive, we need not address the city's remaining argument against disclosure of the information at issue.