



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 29, 2017

Mr. John Saenz
Crime Records Office
City of McAllen
P.O. Box 220
McAllen, Texas 78501

OR2017-29243

Dear Mr. Saenz:

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# 690476.

The City of McAllen (the "city") received a request for case number 2017-00074528. The city states it is releasing some of the requested information, including the police officer's crash report pursuant to section 550.065(c) of the Transportation Code. *See* Transp. Code § 550.065(c) (providing for release of accident report to person or entity listed under this subsection). The city claims the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions the city claims and reviewed the submitted information.

Section 552.130 of the Government Code 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. The city asserts, and we agree, the submitted video recording contains confidential motor vehicle record information that is excepted from disclosure under section 552.130. In this instance, the city states it does not possess the technological capability to redact information from video files. Thus, we agree the city must withhold the entirety of the submitted video recording under section 552.130 of the Government Code.¹ *See* Open Records Decision No. 364 (1983).

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

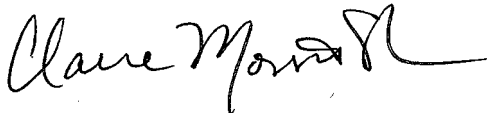
Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. Section 552.101 of the Government Code encompasses chapter 772 of the Health and Safety Code, which authorizes the development of local emergency communication districts. Sections 772.118, 772.218, and 772.318 of the Health and Safety Code are applicable to emergency 9-1-1 districts established in accordance with chapter 772. See Open Records Decision No. 649 (1996). These sections make the originating telephone numbers and addresses of 9-1-1 callers furnished by a service supplier confidential. *Id.* at 2. Section 772.118 applies to an emergency communication district for a county with a population of more than two million. Section 772.218 applies to an emergency communication district for a county with a population of more than 1.5 million. Section 772.318 applies to an emergency communication district for a county with a population of more than 20,000. Upon review, we find no portion of the remaining information consists of the originating telephone number or address of a 9-1-1 caller that was provided by a 9-1-1 service supplier. Accordingly, no portion of the remaining information may be withheld under section 552.101 in conjunction with section 772.118, 772.218, or 772.318 of the Health and Safety Code.

In summary, the city must withhold the entirety of the submitted video recording under section 552.130 of the Government Code. 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,



Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/som

Ref: ID# 690476

Enc. Submitted documents

c: Requestor
(w/o enclosures)