



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

February 5, 2019

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

OR2019-03347

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# 749591.

The Williamson County Sheriff's Office (the "sheriff's office") received a request for several categories of information pertaining to a specified incident. 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. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Initially, we address the requestor's contention the sheriff's office did not comply with the procedural requirements of the Act. Pursuant to section 552.301(b), a governmental body must ask for a decision from this office and state the exceptions that apply within ten business days of receiving the written request. *Id.* § 552.301(b). Section 552.301(e) requires the governmental body to submit to the attorney general, not later than the fifteenth business day after the date of the receipt of the request: (1) written comments stating why the governmental body's claimed exceptions apply to the information that it seeks to withhold; (2) a copy of the written request for information; (3) a signed statement of the date on which the governmental body received the request or evidence sufficient to establish that date; and (4) the specific information that the governmental body seeks to withhold or representative

samples if the information is voluminous. *Id.* § 552.301(e)(1). In this instance, the sheriff's office states it received the instant request for information on November 15, 2018. The sheriff's office informs us it was closed in observance of holidays on November 22, 2018, and November 23, 2018. We note this office does not count the date the request was received or holidays for the purpose of calculating a governmental body's deadlines under the Act. Thus, the sheriff's office's ten-and fifteen-business-day deadlines to provide the information pursuant to sections 552.301(b) and 552.301(e) were December 3, 2018, and December 10, 2018, respectively. The envelope in which the sheriff's office submitted to this office the information required by sections 552.301(b) and 552.301(e) bears a meter-mark of November 29, 2018. *See id.* § 552.308(a) (prescribing rules for calculating submission dates of documents sent via first class United States mail, common or contract carrier, or interagency mail). Thus, we conclude the sheriff's office's correspondence to this office was timely mailed. Consequently, we find the sheriff's office complied with the procedural requirements mandated by section 552.301 of the Government Code.

Next, we note the sheriff's office has only submitted video recordings related to the specified incident. To the extent any information responsive to the remainder of 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 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. Upon review, we find some of submitted video recordings contain confidential motor vehicle record information that is excepted from disclosure under section 552.130. In this instance, the sheriff's office states it does not possess the technological capability to redact information from video files. Thus, with the exception of the video recording we have marked for release, we agree the sheriff's office must withhold the entireties of the remaining video recordings under section 552.130 of the Government Code.<sup>1</sup> *See* Open Records Decision No. 364 (1983). However, we find the sheriff's office has failed to demonstrate the video recording we have marked for release contains confidential motor vehicle record information for the purposes of section 552.130. Consequently, the sheriff's office may not withhold this information under section 552.130. As the sheriff's office raises no further exceptions to disclosure for this information, the sheriff's office must release the remaining information.

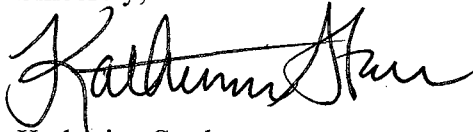
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<sup>1</sup>As our ruling for this information is dispositive, we need not address the sheriff's office remaining argument against its disclosure.

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](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,

A handwritten signature in black ink, appearing to read "Katherine Stark". The signature is fluid and cursive, with the first name "Katherine" written in a larger, more prominent script than the last name "Stark".

Katherine Stark  
Attorney  
Open Records Division

KS/eb

Ref: ID# 749591

Enc. Submitted documents

c: Requestor  
(w/o enclosures)