



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 4, 2019

Mr. Adam Anderson  
Assistant County Attorney  
Montgomery County  
501 North Thompson, Suite 300  
Conroe, Texas 77301

OR2019-14660

Dear Mr. Anderson:

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# 768931.

The Montgomery County Sheriff's Office (the "sheriff's office") received a request for all reports, call notes, audio recordings, and video recordings pertaining to twelve specified cases. You state you have released most of the requested information to the requestor. You claim the submitted information is excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that did not result in conviction or deferred adjudication. *See Gov't Code* § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply

to information requested). The sheriff's office states the information pertaining to case number 19A079686 relates to a closed criminal investigation that did not result in conviction or deferred adjudication. Based on this representation and our review, we agree section 552.108(a)(2) is applicable to the information pertaining to case number 19A079686.

However, section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. *Id.* § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). *See also* Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). Thus, with the exception of the basic information, which must be released from incident report number 19A079686, the sheriff's office may withhold the information pertaining to case number 19A079686 under section 552.108(a)(2) of the Government Code.<sup>1</sup>

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 sheriff's office asserts, and we agree, the dash camera video recordings pertaining to case numbers 19A078746, 19A037611, and 19A032604 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, we agree the sheriff's office must withhold the entireties of the dash camera video recordings pertaining to case numbers 19A078746, 19A037611, and 19A032604 under section 552.130 of the Government Code. *See* Open Records Decision No. 364 (1983).

In summary, with the exception of the basic information, which must be released from incident report number 19A079686, the sheriff's office may withhold the information pertaining to case number 19A079686 under section 552.108(a)(2) of the Government Code. The sheriff's office must withhold the entireties of the dash camera video recordings pertaining to case numbers 19A078746, 19A037611, and 19A032604 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.

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

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,



Lecelle Clarke  
Attorney  
Open Records Division

LC/jxd

Ref: ID# 768931

Enc. Submitted documents

c: Requestor  
(w/o enclosures)