



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 11, 2019

Ms. Karen Strand
Senior Assistant City Attorney
City of Mesquite
P.O. Box 850137
Mesquite, Texas 75185-0137

OR2019-25501

Dear Mrs. Strand:

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# 784747.

The Mesquite Police Department (the "department") received a request for a video recording and photographs pertaining to a specified incident. You state the city will release some of the requested information. You claim the submitted photographs are 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.

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses section 143.090 of the Local Government Code. You state the City of Mesquite (the "city") has adopted Chapter 143 of the Local Government Code. Section 143.090 provides as follows:

A department, commission, or municipality may not release a photograph that depicts a police officer unless:

- (1) the officer has been charged with an offense by indictment or by information;
- (2) the officer is a party in a civil service hearing or a case before a hearing examiner or in arbitration;

(3) the photograph is introduced as evidence in a judicial proceeding; or

(4) the officer gives written consent to the release of the photograph.

Local Gov't Code § 143.090. You state the information you indicated consists of photographs that depict police officers. You inform us none of the exceptions under section 143.090 are applicable. Therefore, the department must withhold the photograph you indicated under section 552.101 of the Government Code in conjunction with section 143.090 of the Local Government Code.

Section 552.130 of the Government Code provides 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. Accordingly, the department must withhold the motor vehicle record information you indicated under section 552.130 of the Government Code.

In summary, the department must withhold the photograph you indicated under section 552.101 of the Government Code in conjunction with section 143.090 of the Local Government Code. The department must withhold the motor vehicle record information you indicated under section 552.130 of the Government Code. The department 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Emily Buchanan
Assistant Attorney General
Open Records Division

EBO/gw

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Enc. Submitted documents

c: Requestor
(w/o enclosures)