



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 23, 2019

Mr. T. Phillip Brent
Counsel for City of Port Neches
Bradley & Steele
3120 Central Mall Drive
Port Arthur, Texas 77642

OR2019-29944

Dear Mr. Brent:

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# 792918.

The Port Neches Police Department (the "department") received a request for all information related to an accident involving the requestor's client, including 9-1-1 recordings, dispatch records, incident reports, and photographs. You state you have released 9-1-1 recordings and dispatch records. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. You also state release of the submitted information may implicate the interests of third parties. Accordingly, you state you notified the third parties of the request and of their right to submit arguments to this office as to why the submitted information should not be released.¹ See Gov't Code § 552.304 (providing an interested party may submit written comments regarding why information should or should not be released). We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the department has only submitted body worn camera and dashboard camera video recordings. To the extent information responsive to the remainder of the request existed on the date the department received the request, we assume you have released it. See Open Records Decision No. 664 (2000) (if governmental body concludes

¹ As of the date of this letter, we have not received comments from the notified individuals explaining why any portion of the submitted information should not be released to the requestor.

no exceptions apply to requested information, it must release information as soon as possible). If you have not released any such information, you must do so at this time. *See* Gov't Code §§ 552.301(a), .302.

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. *Id.* § 552.130(a). Upon review, we find the submitted video recordings contain information subject to section 552.130. You state the department does not have the technological capability to redact the motor vehicle record information from the recordings. Accordingly, the department must withhold the submitted recordings in their entireties under section 552.130.² *See* Open Records Decision No. 364 (1983).

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,



Sean McCormick
Attorney
Open Records Division

SMC/eb

Ref: ID# 792918.

Enc: Submitted documents

c: Requestor
(w/o enclosures)

² As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.