



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

November 18, 2019

Mr. Vince Harding  
Associate General Counsel  
Fort Bend Independent School District  
16431 Lexington Boulevard  
Sugar Land, Texas 77479

OR2019-32406

Dear Mr. Harding:

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# 798500 (Ref. Nos. 23419 & 23572).

The Fort Bend Independent School District (the "district") received two requests from different requestors for information pertaining to a specified incident.<sup>1</sup> You state you have released some of the requested information to the first requestor. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code.<sup>2</sup> We have considered the exception you claim and reviewed 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 encompasses information subject to chapter 550 of the Transportation Code. Section 550.065 applies only to a written report of an accident required under section 550.061, 550.062, or 601.004. Transp. Code § 550.065(a)(1). Although you argue the submitted information is confidential under section 550.065 of the Transportation Code, we note the submitted information consists of video footage from a district surveillance camera and not a written report of an accident required under section

---

<sup>1</sup> As the district has not submitted a copy of the first request for information, we take our description of this request from the district's brief.

<sup>2</sup> Although the district does not cite to section 552.101 of the Government Code, we understand the district to raise this exception based on the substance of its arguments. We note the district failed to comply with section 552.301 of the Government Code in requesting a ruling; however, section 552.101 of the Government Code can provide a compelling reason to withhold information sufficient to overcome the presumption of openness caused by a failure to comply with section 552.301. *See* Gov't Code §§ 552.301, .302. Accordingly, we will consider the district's argument.

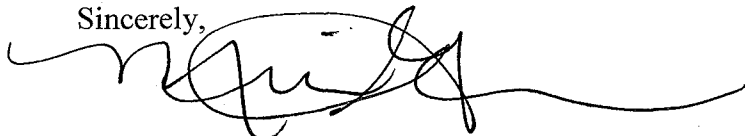
550.061, 550.062, or 601.004. *Id.* § 550.065(a)(1). Thus, we find you failed to demonstrate the applicability of section 550.065 to the submitted information. Consequently, the district may not withhold any portion of the submitted information under section 552.101 of the Government Code in conjunction with section 550.065 of the Transportation 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.<sup>3</sup> *See* Gov't Code § 552.130. The submitted video recording contains visible license plates. However, you indicate one of the license plates may belong to the first requestor. Because section 552.130 is designed to protect the privacy of individuals, the requestor may have a right of access to this information and it may not be withheld from the first requestor under section 552.130. *See id.* § 552.023(a) ("person or a person's authorized representative has special right of access, beyond right of general public, to information held by governmental body that relates to person and that is protected from public disclosure by laws intended to protect that person's privacy interests"); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning herself). Therefore, the district must withhold all visible license plates, however, if one of the license plates belongs to the first requestor, that license plate may not be withheld from that requestor and must be released. Regardless, the remaining information must be released.

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,



Michelle Garza  
Assistant Attorney General  
Open Records Division

MG/jxd

---

<sup>3</sup> The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

Mr. Vince Harding - Page 3

Ref: ID# 798500

Enc. Submitted documents

c: 2 Requestors  
(w/o enclosures)