



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 11, 2020

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

OR2020-04151

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# 811396 (TPIA 23847).

The Fort Bend Independent School District (the "district") received a request for information pertaining to a specified incident. You state the district has released some of the requested information. We understand the district has redacted certain motor vehicle record information under section 552.130(c) of the Government Code.¹ You claim some of the submitted information is excepted from disclosure under section 552.101 of the Government Code.² We have considered the exception you claim and reviewed the submitted information.

¹ Section 552.130(c) of the Government Code allows a governmental body to redact the information described in section 552.130(a) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e).

² 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.

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 an incident report and video footage from a district surveillance camera and not a written report of an accident required under section 550.061, section 550.062, or section 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.³ *See* Gov’t Code § 552.130. We have marked additional motor vehicle information subject to section 552.130. Further, the submitted video recording contains license plates. Because section 552.130 is designed to protect the privacy of individuals, the requestor may have a right of access to some of the motor vehicle record information at issue and it may not be withheld from the 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”); ORD 481 at 4 (privacy theories not implicated when individual requests information concerning herself). Therefore, except for any motor vehicle record information belonging to the requestor, the district must withhold the motor vehicle record information we marked and all discernable license plates under section 552.130 of the Government Code. The district must release remaining information.

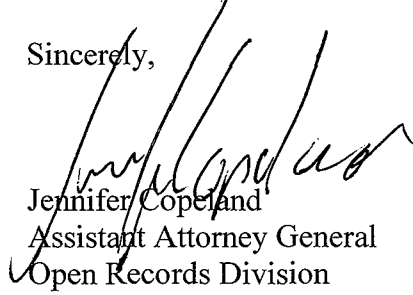
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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

³ 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).

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,



Jennifer Copeland
Assistant Attorney General
Open Records Division

JC/be

Ref: ID# 811396

Enc. Submitted documents

c: Requestor
(w/o enclosures)