



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 1, 2020

Ms. Marie N. Johnson
Counsel for the City of Mineral Wells
Messer Fort McDonald
6371 Preston Road, Suite 200
Frisco, Texas 75034

OR2020-09954

Dear Ms. Johnson:

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# 820240 (COMW ORR ID: MW011020CP).

The City of Mineral Wells (the "city"), which you represent, received a request for all audio and video recordings pertaining to a specified incident.¹ You state the city has released some information to the requestor. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. Additionally, you state the city has notified an individual of her right to submit comments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have received comments from a representative of the third party. We have considered the submitted arguments and reviewed the submitted information.

Section 552.130 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 id.* § 552.130. Upon review, we find the submitted video recordings contain motor vehicle record information. In this instance, you state the city does not possess the technological capability to redact information from video files. Thus, we agree the city

¹ We note the city sought and received clarification of the information requested. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request).

the city must withhold the submitted video recordings in their entirety under section 552.130 of the Government Code.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,

Gerald Arismendez
Assistant Attorney General
Open Records Division

GAA/mo

Ref: ID# 820240

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)

² As we are able to make this determination, we need not address the city's remaining arguments against disclosure of the submitted information or the applicability of section 1701.661(a) of the Occupations Code to the submitted video recordings. *See generally* Occ. Code § 1701.661(a), (e).