



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 3, 2020

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

OR2020-10183

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# 819985 (COMW ORR ID: F011420KS).

The City of Fate (the "city"), which you represent, received a request for the dashboard and body camera video recordings pertaining to a specified incident. You claim the submitted information is excepted from disclosure under section 552.130 of the Government Code. We have considered your submitted arguments and reviewed the submitted information.

Initially, we note the requestor seeks only the responsive dashboard and body camera video recordings. You have submitted information beyond these specific pieces of information. Thus, the portions of the submitted information that do not consist of the types of requested recordings are not responsive to the present request. This ruling does not address the public availability of any information that is not responsive to the request and the city is not required to release that information in response to the request.

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* Gov't Code § 552.130. Upon review, we find the responsive 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 must withhold the responsive video recordings in their entirety under section 552.130 of the Government Code.¹ *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/rm

Ref: ID# 819985

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹ As we are able to make this determination, we do not address the applicability of section 1701.661(a) of the Occupations Code to the submitted video recordings. *See generally* Occ. Code § 1701.661(a), (e).