



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 3, 2020

Mr. Clark T. Askins
Counsel for the City of La Porte
Askins & Askins, P.C.
P.O. Box 1218
La Porte, Texas 77572-1218

OR2020-10285

Dear Mr. Askins:

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# 821421.

The La Porte Police Department (the "department"), which you represent, received a request for information related to a specified incident involving the requestor and several named individuals. The department states it is releasing some of the requested information. The department claims the submitted information is excepted from disclosure under section 552.130 of the Government Code. We have considered the exception the department claims and reviewed the submitted information.

Section 552.130 of the Government Code 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. The department asserts the submitted audio recordings contain motor vehicle record information that is excepted from disclosure under section 552.130. Upon review, we find some of the submitted audio recordings, which we have noted, contain confidential motor vehicle record information. In this instance, the department states it does not possess the technological capability to redact information from audio files. However, because the department had the ability to copy the submitted audio recordings in order to submit them for our review, we believe the department has the capability to produce a copy of only the non-confidential portions of the audio recordings. Accordingly, the department must withhold the motor vehicle record information within the audio recordings at issue, which we noted, under section 552.130 of the Government Code. However, the remaining information does not consist of or contain

motor vehicle record information. Thus, the department may not withhold any portion of the remaining information under section 552.130 of the Government Code. The department must release the remaining information to this requestor.¹

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,

Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/jlbm

Ref: ID# 821421

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹ We note the requestor has a right of access to some of the information being released. *See* Gov't Code § 552.023(a) (governmental body may not deny access to person to whom information relates or person's agent on ground that information is considered confidential by privacy principles); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individuals request information concerning themselves). Thus, if the department receives another request for the same information from a different requestor, the department must again seek a decision from this office.