



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 13, 2020

Ms. Erin J. Onyon  
Open Records Manager  
City of Mansfield  
1200 East Broad Street  
Mansfield, Texas 76063

OR2020-13626

Dear Ms. Onyon:

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# 828271 (Mansfield File Nos. 0446-2020 & 0291-2020).

The City of Mansfield (the "city") received three requests from different requestors for information pertaining to a specified incident.<sup>1</sup> You inform us you have released some of the requested information and have no information responsive to portions of the requests.<sup>2</sup> You claim the submitted information is excepted from disclosure under sections 552.101, 552.130, 552.136, and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the first requestor seeks only specified witness statements, information pertaining to witnesses, and certain video recordings pertaining to the specified incident. You have submitted documents as responsive to the first request that contain information beyond these specific pieces of information. Thus, the portions of the submitted documents that do not consist of the information requested are not responsive to the first request. This ruling does not address the public availability of any information that is not responsive to

---

<sup>1</sup> The city informs us it sent the first requestor an estimate of charges pursuant to section 552.2615 of the Government Code. *See* Gov't Code § 552.2615. The estimate of charges required the first requestor to provide a deposit for payment of anticipated costs under section 552.263 of the Government Code. *See id.* § 552.263(a). The city informs us it received the required deposit on March 17, 2020. *See id.* § 552.263(e) (if governmental body requires deposit or bond for anticipated costs pursuant to section 552.263, request for information is considered to have been received on date governmental body receives bond or deposit).

<sup>2</sup> The Act does not require a governmental body that receives a request for information to create information that did not exist when the request was received. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 563 at 8 (1990), 555 at 1-2 (1990), 452 at 3 (1986), 362 at 2 (1983).

the first request and the city is not required to release that information to the first requestor in response to the request.<sup>3</sup>

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. *See* Gov't Code § 552.130(a). The submitted audio and video recordings contain motor vehicle record information that is subject to section 552.130. The city states it lacks the technical capability to redact the information subject to section 552.130 from the recordings. Based on this representation, we agree the city must withhold the video recordings in their entirety under section 552.130 of the Government Code.<sup>4</sup> *See* Open Records Decision No. 364 (1983). Nevertheless, because the city had the ability to copy the audio recording in order to submit the requested information for our review, we believe the city has the capacity to produce a copy of only the non-confidential portions of it. Therefore, the city must withhold the audible license plate number in the audio recording under section 552.130 of the Government Code. However, it may not withhold any of the remaining information on that ground.

In summary, the city must withhold the submitted video recordings in their entirety and the audible license plate in the audio recording under section 552.130 of the Government Code. The city must release the remaining responsive 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 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,

Nick Ybarra  
Assistant Attorney General  
Open Records Division

NY/jlbm

---

<sup>3</sup> As we are able to make this determination, we need not consider your argument against disclosure of this information.

<sup>4</sup> As our ruling is dispositive, we need not consider your remaining arguments against disclosure of this information.

Ref: ID# 828271

Enc. Submitted documents

c: 2 Requestors  
(w/o enclosures)