



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 24, 2020

Ms. Mary E. Miller
Assistant District Attorney
Denton County Sheriff's Office
127 North Woodrow Lane, Suite 300
Denton, Texas 76205

OR2020-18543

Dear Ms. Miller:

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# 836900 (PIR No. S003607-040920).

The Denton County Sheriff's Office (the "sheriff's office") received a request for 16 categories of information pertaining to a specified incident. You state the sheriff's office will release some information to the requestor. You claim some of the submitted information is excepted from disclosure under section 552.130 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

Initially, we understand you have redacted information which is not responsive to the instant request because it does not pertain to the specified incident. This ruling does not address the public availability of any information that is not responsive to the request, and the sheriff's office is not required to release such information in response to this request.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's licence, driver's license, motor vehicle title or registration, or a personal

¹ Although you also raise section 552.101 of the Government Code, you make no arguments to support this exception. Therefore, we assume you have withdrawn your claim that this section applies to the submitted information. *See* Gov't Code §§ 552.301, .302. In addition, because section 552.130 of the Government Code can provide a compelling reason to overcome the presumption of openness caused by a failure to comply with section 552.301 of the Government Code, we need not address whether the sheriff's office violated section 552.301 in requesting a decision from this office. *See id.* §§ 552.301(b), (e), .302.

identification document issued by an agency of this state or another state or country is excepted from public release. Gov't Code § 552.130(a). Upon review, we agree some of the submitted video recordings and photographs contain motor vehicle record information subject to section 552.130. You state the sheriff's office does not have the technological capability to redact the motor vehicle record information from the video recordings at issue. Accordingly, the sheriff's office must withhold the motor vehicle record information you marked, the additional information we indicated, and the submitted video recordings in their entireties under section 552.130 of the Government Code. *See* Open Records Decision No. 364 (1983). However, we find the remaining responsive information does not contain information subject to section 552.130. Thus, the sheriff's office may not withhold any portion of the remaining responsive information under section 552.130 of the Government Code.

In summary, the sheriff's office must withhold the motor vehicle record information you marked, the additional information we indicated, and the submitted video recordings in their entireties under section 552.130 of the Government Code. The sheriff's office 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,

Kimbell Kesling
Assistant Attorney General
Open Records Division

KK/gw

Ref: ID# 836900

Enc. Submitted documents

c: Requestor
(w/o enclosures)