



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 14, 2020

Ms. Britney Long  
Counsel for the City of Hutto  
Bojorquez Law Firm, PC  
11675 Jollyville Road, Suite 300  
Austin, Texas 78759

OR2020-20481

Dear Ms. Long:

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# 839464 (ORR# R001164).

The City of Hutto (the "city"), which you represent, received a request for certain information pertaining to a specified traffic accident.<sup>1</sup> You claim the submitted information is excepted from disclosure under sections 552.101, 552.1175, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.<sup>2</sup> We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Initially, we must address the requestor's assertion that the city did not comply with section 552.301 of the Government Code in requesting this ruling. Pursuant to section 552.301(b), a governmental body must ask for a decision from this office and state the exceptions that apply within ten business days of receiving the written request for information. *See id.*

---

<sup>1</sup> You state the city sought and received clarification of the information requested. *See* Gov't Code § 552.222 (if request for information is unclear, governmental body may ask requestor to clarify request); *see also* *City of Dallas v. Abbott*, 304 S.W.2d 380, 387 (Tex. 2010) (if governmental entity, acting in good faith, requests clarification of unclear or over-broad request, ten-day period to request attorney general ruling is measured from date request is clarified).

<sup>2</sup> We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

§ 552.301(b). Pursuant to section 552.301(e), a governmental body must submit to this office within fifteen business days of receiving an open records request (1) written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld, (2) a copy of the written request for information, (3) a signed statement or sufficient evidence showing the date the governmental body received the written request, and (4) a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the documents. *See id.* § 552.301(e). You inform us the city received the initial request for information on May 15, 2020. On May 29, 2020, the city sought clarification of the request. *See id.* § 552.222(b) (governmental body may communicate with requestor for purposes of clarifying or narrowing request). The requestor responded to the request for clarification on May 30, 2020, after business hours. Thus, the clarified request was received on June 1, 2020. We note this office does not count the date the request was received for purposes of calculating a governmental body's deadlines under the Act. Accordingly, the city's ten- and fifteen-business day deadlines were June 15, 2020, and June 22, 2020, respectively. The city provided the information required by sections 552.301(b) and (e) via this office's electronic filing system on June 15, 2020, and June 22, 2020, respectively. *See Gov't Code* § 552.309 (describing rules for calculating submission dates of documents sent via this office's electronic filing system). Therefore, we find the city complied with the procedural requirements of section 552.301 of the Government Code in requesting this ruling.

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 a personal identification document issued by an agency of this state or another state or country is excepted from public release. *See id.* § 552.130. We note the requestor has a right of access to his client's motor vehicle record information under section 552.023 of the Government Code and it may not be withheld from him under section 552.130. *See id.* § 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). However, upon review, we find the submitted video recordings contain confidential motor vehicle record information not belonging to the requestor's client that is excepted from disclosure under section 552.130. In this instance, you state the city does not possess the technological capability to redact information from video recordings. Accordingly, we find the city must withhold the submitted video recordings in their entirety under section 552.130 of the Government Code.<sup>3</sup> *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

---

<sup>3</sup> As our ruling is dispositive, we need not address the remaining arguments against disclosure of the submitted information.

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/mo

Ref: ID# 839464

Enc. Submitted documents

c: Requestor  
(w/o enclosures)