



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 23, 2020

Ms. Nancy Ludlow
Records Division
Webster Police Department
217 Pennsylvania Avenue
Webster, Texas 77598

OR2020-24044

Dear Ms. Ludlow:

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# 846015 (City ID# PD-91-2020).

The Webster Police Department (the "department") received a request for five categories of information related to a specified incident. You state you have released some information to the requestor. You claim the submitted information is excepted from disclosure under section 552.130 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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. Gov't Code § 552.130(a). We note, because section 552.130 protects privacy interests, the requestor has a right of access to her client's motor vehicle record information pursuant to section 552.023 of the Government Code. *See* Gov't Code § 552.023(a) (person or person's authorized representative has special right of access to records that contain information relating to the person that are protected from public disclosure by laws intended to protect that person's privacy interests); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning herself). We note the submitted video recordings and the submitted audio recording contains information subject to section 552.130 not belonging to the requestor's client. You state the department does not have the technological ability to redact confidential information from the audio recording at issue. However, because the

department had the ability to copy the audio recording for our review, we believe the department has the capability to produce a copy of only the non-confidential portions of the audio recording at issue. Additionally, you state the department does not have the technological capability to redact the motor vehicle record information from the video recordings. Accordingly, the department must withhold the audible license plate number and driver's license number not belonging to the requestor's client in the submitted audio recording and the submitted video recordings in their entirety under section 552.130 of the Government Code. *See* Open Records Decision No. 364 (1983). However, we find none of the remaining information contains motor vehicle record information subject to section 552.130 that does not belong to the requestor's client, and the department may not withhold any of the remaining information on that basis. As you raise no further exceptions to disclosure, 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,

Tim Neal
Assistant Attorney General
Open Records Division

TN/gw

Ref: ID# 846015

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹ We note the information being released contains information to which the requestor has a right of access under section 552.023 of the Government Code. *See* Gov't Code § 552.023; *see also* ORD 481 at 4. Thus, if the department receives another request for this information from an individual without such a right of access, we note section 552.130(c) of the Government Code allows a governmental body to redact the information described in section 552.130(a) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 553.130(e). *See id.* § 552.130(d), (e).