



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 9, 2022

Ms. Ginger Gaus
Records Manager
Webster Police Department
217 Pennsylvania Avenue
Webster, Texas 77598

OR2022-03734

Dear Ms. Gaus:

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# 929326 (ORR# PD-134-2021).

The Webster Police Department (the "department") received a request for information related to a specified incident. You state the department has released some information to the requestor. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.¹

Section 552.130 of the Government Code excepts from public disclosure information relating to a motor vehicle operator's or driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country. *See* Gov't Code § 552.130. Upon review, we find the submitted information, which consists of video recordings, contains confidential motor vehicle record information. You state the department does not have the technological capability to redact the motor vehicle record information from the recordings. Accordingly, the department must withhold the submitted information in its entirety under section 552.130 of the Government Code.² *See* Open Records Decision No. 364 (1983).

¹ We note the department failed to comply with section 552.301(b) of the Government Code in requesting a ruling; however, sections 552.101 and 552.130 of the Government Code can provide compelling reasons to withhold information sufficient to overcome the presumption of openness caused by a failure to comply with section 552.301. *See* Gov't Code §§ 552.301, .302. Accordingly, we will consider your arguments.

² As our ruling is dispositive, we need not address the remaining argument against disclosure of the submitted information. In addition, we need not address the applicability of section 1701.661(a) of the Occupations Code to the submitted video recordings. *See generally* Occ. Code § 1701.661(a), (e).

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,

Deborah Southerland
Assistant Attorney General
Open Records Division

DS/jxd

Ref: ID# 929326

c: Requestor
