



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 18, 2022

Mr. Joe D. Gonzales  
Civil Division – Open Records  
Bexar County Criminal District Attorney’s Office  
101 West Nueva Street  
San Antonio, Texas 78205

OR2022-07921

Dear Mr. Gonzales:

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# 936311 (Ref. No. 10500-BCSO 26061).

The Bexar County Sheriff’s Office (the “sheriff’s office”) received a request for information pertaining to a specified incident involving the requestor’s client, including police reports, audio recordings, video recordings, and dispatch logs. You claim the submitted information is excepted from disclosure under section 552.130 of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information.

Initially, we note you have only submitted one body worn camera recording. You have not submitted information responsive to the remainder of the request. Although you state the sheriff’s office has submitted a representative sample of the requested information, we find the submitted information is not representative of all of the types of information to which the requestor seeks access. Please be advised, this open records letter ruling applies only to the types of information you have submitted for our review. This ruling does not authorize the sheriff’s office to withhold any information that is substantially different from the types of information you submitted to this office. *See* Gov’t Code § 552.302 (where request for attorney general decision does not comply with requirements of Gov’t Code § 552.301, information at issue is presumed to be public). Accordingly, to the extent any information responsive to the remainder of the request existed on the date the sheriff’s office received the request, we assume the sheriff’s office has released it. If the sheriff’s

---

<sup>1</sup> We note, and you acknowledge, the sheriff’s office did not comply with section 552.301 of the Government Code in requesting a ruling from this office. *See* Gov’t Code § 552.301(b), (e). Nonetheless, because section 552.130 can provide a compelling reason to overcome the presumption of openness, we will consider the applicability of this exception to the submitted information. *See id.* §§ 552.007, .302, .352.

office has not released any such information, it must do so at this time. *See id.* §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

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. We note section 552.130 protects personal privacy. Accordingly, the requestor has a right of access to her client's motor vehicle record information under section 552.023 of the Government Code and it may not be withheld from her 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). Upon review, we find the submitted information contains motor vehicle record information that does not belong to the requestor's client. You state the sheriff's office lacks the technological capability to redact the confidential information from video recordings. Based upon this representation, we agree the sheriff's office must withhold the submitted information in its entirety under section 552.130 of the Government Code.<sup>2</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 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,

Alexandra C. Burks  
Assistant Attorney General  
Open Records Division

ACB/jxd

Ref: ID# 936311

c: Requestor

---

<sup>2</sup> As we are able to make this determination, we do 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).