



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 8, 2022

Ms. Tessa K. Meredith
Counsel for the City of Balch Springs
Messer, Fort & McDonald, P.L.L.C.
6371 Preston Road, Suite 200
Frisco, Texas 75034

OR2022-16786A

Dear Ms. Meredith:

This office issued Open Records Letter No. 2022-16786 (2022) on June 10, 2022. Since that time, we have received new information that affects the facts on which this letter was based. Consequently, this decision serves as the corrected ruling and is a substitute for Open Records Letter No. 2022-16786. *See generally* Gov't Code § 552.011 (providing that Office of the Attorney General may issue a decision to maintain uniformity in application, operation, and interpretation of the Public Information Act (the "Act")). This ruling was assigned ID# 968141 (Ref. No. B031822LN).

The City of Balch Springs (the "city"), which you represent, received a request for certain information pertaining to a specified incident. You state the city has released some information to the requestor. You claim 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 representative sample of information.²

¹ Because section 552.130 of the Government Code can provide a compelling reason to overcome the presumption of openness, we need not address whether the city complied with the procedural requirements of section 552.301 of the Government Code in requesting this decision and will consider the applicability of section 552.130 to the submitted information. *See* Gov't Code §§ 552.007, .302, .352.

² 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 those records contain substantially different types of information than that submitted to this office.

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 id.* § 552.130. Upon review, we note the submitted video recordings and the submitted still images taken from such video recordings contain visible motor vehicle record information that is subject to section 552.130. You state the city lacks the technological capability to redact the information subject to section 552.130 from the video recordings at issue. Based upon this representation, we agree the city must withhold the submitted information in its entirety under section 552.130 of the Government Code. *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,

Blake Brennan
Assistant Attorney General
Open Records Division

BBX/jm

Ref: ID# 968141

c: Requestor
(w/o enclosures)