



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 15, 2022

Mr. Joe Shumate  
Counsel for the City of Tatum  
Shumate Law Office  
P.O. Box 1915  
Henderson, Texas 75653-1915

OR2022-24196

Dear Mr. Shumate:

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# 965313 (ORR# 060222JS).

The City of Tatum (the "city"), which you represent, received a request for information pertaining to a specified incident involving the requestor's client. You claim some of 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. 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).

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 id.* § 552.130. We note section 552.130 protects personal privacy. Accordingly, 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). Upon review, we find some of the submitted information contains visible

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<sup>1</sup> Although the city does not cite to section 552.130 of the Government Code in its brief, we understand the city to raise this exception based on the substance of its argument.

motor vehicle record information that does not belong to the requestor's client. You state the city lacks the technological capability to redact the confidential information in the video recordings at issue. Based upon this representation, we agree the city must withhold the video recordings we have indicated in their entirety under section 552.130 of the Government Code.<sup>2</sup> See Open Records Decision No. 364 (1983). However, we find the remaining information does not contain motor vehicle record information subject to section 552.130 of the Government Code. Therefore, the city may not withhold any portion of the remaining information under section 552.130. The city must release the remaining information.<sup>3</sup>

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,

Colin Henry  
Attorney  
Open Records Division

CEH/jxd

Ref: ID# 965313

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<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).

<sup>3</sup> We note the requestor has a right of access to some of the information being released. See Gov't Code § 552.023(a); ORD 481 at 4. Thus, if the city receives another request for the same information from a different requestor, the city must again seek a decision from this office.