



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 7, 2022

Ms. Elizabeth Lutton
Legal Advisor
Dallas County Sheriff's Office
133 North Riverfront Boulevard LB 31
Dallas, Texas 75207

OR2022-27238

Dear Ms. Lutton:

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# 970650 (Reference No. S005677-061422).

The Dallas County Sheriff's Office (the "sheriff's office") received a request for dash camera video recordings pertaining to a specified incident. You claim the submitted information is excepted from disclosure under sections 552.103 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the submitted body worn camera footage is not responsive to the present request because it does not consist of the requested dash camera footage. This ruling does not address the public availability of the non-responsive information, and the sheriff's office need not release it in response to this request.¹

Next, we must address the sheriff's office's procedural obligations under section 552.301 of the Government Code, which prescribes the procedures that a governmental body must follow in asking this office to decide whether requested information is excepted from public disclosure. Pursuant to section 552.301(b), a governmental body must ask for a decision from this office and state the exceptions that apply within ten business days of receiving the written request. Gov't Code § 552.301(b). You state the sheriff's office received the request for information on June 14, 2022. This office does not count the date the request was received or holidays for the purpose of calculating a governmental body's deadlines

¹ As we are able to make this determination, we need not address your argument against disclosure of this information.

under the Act. We understand the sheriff's office was closed in observance of Juneteenth Day on June 20, 2022. You do not inform us the sheriff's office was closed for any additional business days between June 14, 2022, and June 29, 2022. Thus, the sheriff's office's ten-business-day deadline to request a ruling was June 29, 2022. However, the envelope in which the sheriff's office provided the information required by section 552.301(b) was postmarked June 30, 2022. *See id.* §§ 552.308 (describing rules for calculating submission dates of documents sent via first class United States mail), .309(a) (requirement to submit information within specified time period under the Act is met in timely fashion if it is submitted through attorney general's designated electronic filing system within that period). Consequently, we find the sheriff's office failed to comply with the requirements of section 552.301 in requesting this decision from our office.

Pursuant to section 552.302 of the Government Code, a governmental body's failure to comply with the procedural requirements of section 552.301 results in the legal presumption that the requested information is public and must be released unless there is a compelling reason to withhold the information from disclosure. *See id.* § 552.302; *Simmons v. Kuzmich*, 166 S.W.3d 342 (Tex. App.—Fort Worth 2005, no pet.); *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381-82 (Tex. App.—Austin 1990, no writ). You claim sections 552.103 and 552.108 of the Government Code for the submitted information. However, we find you have failed to establish a compelling reason to address your claimed exceptions. However, because section 552.130 of the Government Code can provide a compelling reason to overcome the presumption of openness, we will address the applicability of this exception to the information at issue.²

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. Upon review, we find the submitted video recordings contain motor vehicle record information subject to section 552.130. Accordingly, the sheriff's office must withhold the audible and visible license plates and visible registration stickers in the responsive dash camera recording under section 552.130 of the Government Code. The remaining responsive information must be released.

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

² The Office of the Attorney General will raise mandatory exceptions on behalf of a governmental body but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

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,

Cesar Mata
Attorney
Open Records Division

CM/mo

Ref: ID# 970650

Enc. Submitted documents

c: Requestor
(w/o enclosures)