



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 11, 2022

Mr. William L. Tatsch
Assistant City Attorney
City of Kerrville
701 Main Street
Kerrville, Texas 78028

OR2022-31160

Dear Mr. Tatsch:

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# 976523.

The City of Kerrville (the "city") received a request for information pertaining to a specified incident involving the requestor's client. You state you have 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.

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. We note section 552.130 protects personal privacy. Thus, the requestor has a right of access to his client's motor vehicle record information pursuant to section 552.023 and it may not be withheld from him under section 552.130. *See id.* § 552.023 (person or person's authorized representative has special right of access to records that contain information relating to the person that are protected from public disclosure by laws intended to protect that person's privacy interests); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning herself). Upon review, we note the submitted video recordings contain motor vehicle record information 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 video recordings in their entirety under section 552.130 of the

Government Code.¹ See Open Records Decision No. 364 (1983). Additionally, we note the audio recording at issue contains license plate numbers subject to section 552.130. We understand you to argue the city lacks the technical capability to redact the information subject to section 552.130 from the audio recording at issue. However, because the city had the ability to copy the submitted audio recording in order to submit the requested information for our review, we believe the city has the capacity to produce a copy of only the non-confidential portions of the audio recording at issue. Therefore, the city may not withhold the entirety of the audio recording at issue under section 552.130. Accordingly, with the exception of the motor vehicle record information pertaining to the requestor's client, the city must withhold the audible license plate numbers within the audio recording at issue under section 552.130 of the Government Code. However, we find you have failed to demonstrate the remaining information is subject to section 552.130 of the Government Code. Therefore, the city may not withhold the remaining information under section 552.130 of the Government Code. The city must release the remaining information.

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,

Kimbell Kesling
Assistant Attorney General
Open Records Division

KK/mo

Ref: ID# 976523

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹ As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.