



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 15, 2008

Chief Don Hatcher
Chief of Police
Leander Police Department
P O Box 319
Leander, Texas 78641

OR2008-14122

Dear Chief Hatcher:

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# 324762.

The Leander Police Department (the "department") received a request for pictures related to a specified case. You state that because there were no investigative still photographs taken, the only responsive information maintained by the department is the in-car video recording. You claim that the submitted video recording is excepted from disclosure under section 552.130 of the Government Code. We have considered the exception you claim and reviewed the submitted recording.

You state that the in-car video recording must be withheld in its entirety under section 552.130 of the Government Code, which excepts from disclosure information that "relates to . . . a motor vehicle operator's or driver's license or permit issued by an agency of this state [or] a motor vehicle title or registration issued by an agency of this state." Gov't Code § 552.130. The recording includes spoken Texas-issued license plate numbers and Texas driver's license numbers which are confidential under section 552.130. In this instance, you represent to this office that the department lacks the technical capacity to edit the information that is subject to section 552.130 from this video. Based on this representation, we find that the in-car video recording must be withheld in its entirety to

protect the information that is confidential under section 552.130. *See* Open Records Decision No. 364 (1983) (a video recording may be withheld in its entirety if difficulty of editing confidential information is too great).

This letter ruling is limited to the particular records 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 records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must file suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such a challenge, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3). If the governmental body does not file suit over this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can challenge that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Office of the Attorney General at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for

contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in cursive script that reads "Olivia A. Maceo".

Olivia A. Maceo
Assistant Attorney General
Open Records Division

OM/eeg

Ref: ID# 324762

Enc. Submitted documents

c: Mr. Nelson Shipman
P.O. Box 1726
Georgetown, Texas 78627
(w/o enclosures)