



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 23, 2010

Ms. S. McClellan
Assistant City Attorney
Criminal Law and Police Section
City of Dallas
1400 South Lamar
Dallas, Texas 75215

OR2010-09222

Dear Ms. McClellan:

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# 383853 (DPD Request Number 2010-3267).

The Dallas Police Department (the "department") received a request for information pertaining to internal affairs investigation numbers CN07-252, CN08-163, CN08-310, and CN08-348. We understand you have released some information to the requestor. You claim that portions of the submitted information are excepted from disclosure under sections 552.117 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.117(a)(2) excepts from public disclosure a peace officer's home address and telephone number, social security number, and family member information regardless of whether the peace officer made an election under section 552.024 of the Government Code. Gov't Code § 552.117(a)(2). Section 552.117(a)(2) applies to peace officers as defined by article 2.12 of the Code of Criminal Procedure. Accordingly, the department must withhold the information you have indicated in the submitted audio recording under section 552.117(a)(2) of the Government Code.

Section 552.130 of the Government Code provides that information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by a Texas agency is excepted from public release. Gov't Code § 552.130(a)(1), (2).

Accordingly, the department must withhold the portions of the submitted video recording that contain or reveal license plate numbers under section 552.130 of the Government Code, and must release the remaining information.

In summary, the department must withhold the information you have indicated in the submitted audio recording under section 552.117(a)(2) of the Government Code. The department must withhold the portions of the submitted video that contain or reveal license plate numbers under section 552.130 of the Government Code. The remaining information must be released to the requestor. We note that if the department lacks the technical capability to redact the information subject to sections 552.117 and 552.130 in the submitted recordings, then the department must withhold those recordings in their entirety. *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 http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



James McGuire
Assistant Attorney General
Open Records Division

JM/dls

Ref: ID# 383853

Enc. Submitted documents

c: Requestor
(w/o enclosures)