



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 11, 2011

Mr. Ron G. MacFarlane, Jr.
Ron G. MacFarlane, Jr., P.C.
3010 LBJ Freeway, Suite 1200
Dallas, Texas 75234

OR2011-02121

Dear Mr. MacFarlane:

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# 409096.

The City of Cedar Hill (the "city"), which you represent, received a request for police car audio and video from a specified incident.¹ You claim that the submitted information is excepted from disclosure under section 552.130 of the Government Code. We have considered the exception you claim and reviewed the submitted information. We have also received and considered comments submitted by the requestor. *See Gov't Code* § 552.304 (interested party may submit comments stating why information should or should not be released).

Initially, we understand the requestor to assert that the submitted police car audio and video recording is presumed public because the city has already allowed the requestor to view it. The requestor argues that because the city has previously shown her the submitted police car audio and video recording, the city may not now treat the information at issue as confidential. Section 552.007 of the Government Code generally prohibits selective disclosure of information that a governmental body has voluntarily made available to any member of the public. *See id.* § 552.007. Section 552.007 provides if a governmental body voluntarily releases information to any member of the public, the governmental body may not withhold such information from further disclosure unless its public release is expressly prohibited by law. *See id.*; Open Records Decision No. 518 at 3 (1989); *see also* Open Records Decision

¹We note the city sought and received clarification from the requestor regarding the request. *See Gov't Code* § 552.222(b) (stating if information requested is unclear to governmental body or if large amount of information has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used).

Nos. 490 (1988), 400 (1983) (governmental body may waive right to claim permissive exceptions to disclosure under the Act, but it may not disclose information made confidential by law). The city argues that the information at issue is subject to section 552.130 of the Government Code, which makes information confidential by law. Thus, regardless of whether the city previously released any of the information at issue in this request, we must address whether the information is made confidential by law and must now be withheld pursuant to section 552.130 of the Government Code.

You state the submitted police car audio and video recording is excepted from disclosure under section 552.130 of the Government Code, which 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). Portions of the police car audio and video recording include Texas license plate numbers subject to section 552.130. You state the city lacks the technical capability to redact this information from the recording. We therefore conclude the city must withhold the recording in its entirety under section 552.130 of the Government Code.² 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,



Sarah Casterline
Assistant Attorney General
Open Records Division

SEC/vb

²We note this office issued Open Records Decision No. 684 (2009), a previous determination authorizing all governmental bodies to withhold ten categories of information, including the portion of any video depicting a discernible Texas license plate number under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

Ref: ID# 409096

Enc. Submitted documents

c: Requestor
(w/o enclosures)