



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 11, 2011

Ms. Tiffany Bull
Assistant City Attorney
City of Arlington
P.O. Box 1065
Arlington, Texas 76004

OR2011-06499

Dear Ms. Bull:

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# 419085 (ORR# 3410).

The Arlington Police Department (the "department") received a request for information pertaining to a specified traffic stop, including dash-cam video and the arrest report. You state the department has released some of the requested information, including the video portions of the submitted recordings, but claim the audio portions of the submitted recordings are excepted from disclosure under sections 552.101, 552.130, and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

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 issued by a Texas agency is excepted from public release. Gov't Code § 552.130(a)(1), (2). The recording "Video 2" contains two audio recordings. The second audio recording contains audible Texas license plate numbers. You state the department is unable to redact this information when making a copy of this recording. Although you do not assert any of the information on the first audio recording is excepted from disclosure under the Act, you inform us the department "does not have the ability to release any portion of this audio track without releasing both audio tracks on this video in their entirety." Accordingly, based on the department's representation that it is unable to redact the Texas motor vehicle record

information from the audio tracks related to Video 2, we conclude the department must withhold these recordings in their entirety under section 552.130 of the Government Code.¹

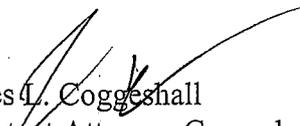
Section 552.147(a) of the Government Code provides “[t]he social security number of a living person is excepted from” required public disclosure under the Act. The recording “Video 1” contains two audio recordings. The second audio recording contains an audible social security number. You state the department is unable to redact this information when making a copy of this recording. Although you do not assert any of the information on the first audio recording related to this recording is excepted from disclosure under the Act, similar to your argument above, you inform us the department “does not have the ability to release any portion of this audio track without releasing both audio tracks on this video in their entirety.” Accordingly, based on the department’s representation that it is unable to redact the social security from the audio tracks related to Video 1, we conclude the department may withhold these recordings in their entirety under section 552.147 of the Government Code.

To conclude, the department must withhold the submitted audio recordings for Video 2 under section 552.130 of the Government Code. The department may withhold the submitted audio recordings for Video 1 under section 552.147 of the Government Code.

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 L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/eb

¹As our ruling is dispositive, we do not address your other arguments to withhold this information.

Ref: ID# 419085

Enc. Submitted documents

c: Requestor
(w/o enclosures)