



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 6, 2011

Mr. Rodolfo Ramirez  
Assistant District Attorney  
Fort Bend County  
301 Jackson, Room 101  
Richmond, Texas 77469

OR2011-17941

Dear Mr. Ramirez:

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# 437954.

The Fort Bend County District Attorney's Office (the "district attorney") received a request for security camera footage pertaining to a specified incident, as well as "who gave it to what officer or office of law enforcement." You state the district attorney has released the name of the officer who received the video. Although you state the district attorney takes no position with respect to the public availability of the remaining requested information, you state its release may implicate the proprietary interests of Chevron. Accordingly, you state, and provide documentation showing, the district attorney notified this company of the request and of its right to submit arguments to this office as to why the remaining requested information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (determining statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain the applicability of exception to disclose under Act in certain circumstances). We have reviewed the submitted information.

We note an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from Chevron explaining why the submitted information should not be released. Therefore, we have no basis to conclude this third party has a protected proprietary interest in the submitted information. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (to prevent

disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, that release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case that information is trade secret), 542 at 3. Consequently, the district attorney may not withhold the remaining requested information on the basis of any proprietary interests Chevron may have in the information.

We note some of the information in the submitted video is subject to section 552.130 of the Government Code.<sup>1</sup> Section 552.130 provides that information relating to a motor vehicle title or registration issued by an agency of this state or another state or country is excepted from public release. Act of May 24, 2011, 82nd Leg., R.S., S.B. 1638, § 4 (to be codified as an amendment to Gov't Code § 552.130(a)(2)). Therefore, the district attorney must withhold the license plate numbers in the submitted video under section 552.130.

In summary, the district attorney must withhold the license plate numbers in the submitted video under section 552.130 of the Government Code. The district attorney must release the remaining portions of the submitted video and the name of the Chevron employee, which you have highlighted in the submitted incident report. We note the remaining portions of the submitted incident report are not responsive to the request and need not be released.

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](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,



Tamara H. Holland  
Assistant Attorney General  
Open Records Division

THH/agn

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<sup>1</sup>The Office of the Attorney General will raise a mandatory exception like section 552.130 on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

Ref: ID# 437954

Enc. Submitted documents

c: Requestor  
(w/o enclosures)