



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 2, 2012

Mr. Darrell G-M Noga
For City of Coppell
Fee, Smith, Sharp & Vitullo
13155 Noel Road, Suite 1000
Dallas, Texas 75240

OR2012-01708

Dear Mr. Noga:

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# 444192 (Coppell RPI# 10612).

The Coppell Police Department (the "department"), which you represent, received a request for any photographs, video, or images, including those from red-light cameras, pertaining to a specified collision. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. You claim the video recording submitted as Exhibit 2 is confidential under section 552.101 in conjunction with sections 707.006 and 707.011(c)(6) of the Transportation Code. Section 707.006 provides:

- (a) A local authority shall operate a photographic traffic control signal enforcement system only for the purpose of detecting a violation or suspected violation of a traffic-control signal.
- (b) A person commits an offense if the person uses a photographic traffic signal enforcement system to produce a recorded image other than in the manner and for the purpose specified by this chapter.
- (c) An offense under this section is a Class A misdemeanor.

Transp. Code § 707.006. Section 707.011 pertains to the required contents of a notice of violation. Section 707.011(c)(6) provides, “[t]he notice of violation must contain . . . a copy of a recorded image of the violation limited solely to a depiction of the area of the registration number displayed on the license plate of the vehicle involved in the violation[.]” *Id.* § 707.011(c)(6). We note sections 707.006 and 707.011 do not expressly make information confidential. In order for section 552.101 to apply, a statute must contain language expressly making certain information confidential; confidentiality cannot be implied from the structure of a statute or rule. *See* Open Records Decision Nos. 658 at 4 (1998), 478 at 2 (1987), 465 at 4-5 (1987). Accordingly, the department may not withhold the video recording submitted as Exhibit 2 under section 552.101 of the Government Code in conjunction with section 707.006 or section 707.011(c)(6) of the Transportation Code.

Section 552.130 of the Government Code excepts from disclosure information related to a motor vehicle title or registration issued by an agency of this state or another state or country.¹ Gov’t Code § 552.130(a)(2). Upon review, the department must withhold the license plate numbers we have marked under section 552.130 of the Government Code. As you claim no other exceptions, the remaining information must 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, 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,



Neal Falgoust
Assistant Attorney General
Open Records Division

NF/agn

¹The Office of the Attorney General will raise a mandatory exception 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# 444192

Enc. Submitted documents

c: Requestor
(w/o enclosures)