



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 28, 2012

Mr. Robert E. Hager
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
500 North Akard
Dallas, Texas 75201

OR2012-04541

Dear Mr. Hager:

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# 449273 (City Ref. # 53579).

The Rowlett Police Department (the "department"), which you represent, received a request for copies of all video or audio recordings made at the location of a specified traffic accident. 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.

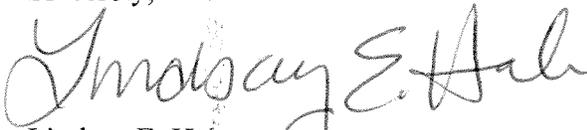
Section 552.130 of the Government Code provides that information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by an agency of this state or another state or country is excepted from public release. Gov't Code § 552.130(a). Upon review, we find the submitted video recording, including the audio portion of the recording, contains information subject to section 552.130. The audio portion of the submitted recording is intertwined with the video portion of the recording. You state the department does not have the technological capability to redact the motor vehicle record information from the submitted recording. Accordingly, the department must generally withhold the submitted recording in its entirety under section 552.130 of the Government Code. However, we note section 552.130 is based on privacy principles. In this instance, it is not clear whether the information at issue belongs to the requestor's client. As such, this requestor may have a right of access to this information, and we must rule conditionally. *See id.* § 552.023 (person or person's authorized representative has special right of access,

beyond right of general public, to information held by governmental body that relates to person and is protected from public disclosure by laws intended to protect person's privacy interests); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning herself). If the requestor does not have a right of access to this information, the department must withhold the submitted recording in its entirety under section 552.130 of the Government Code. Conversely, if the requestor has a right of access to the information at issue, the department may not withhold this information from this requestor and must release the submitted information.

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,



Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/ag

Ref: ID# 449273

Enc. Submitted documents

c: Requestor
(w/o enclosures)