



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 26, 2012

Mr. Ronald J. Bounds
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR2012-15302

Dear Mr. Bounds:

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# 466280 (CCPD File Nos. NTre1 and SKel1).

The Corpus Christi Police Department (the "department") received a request for the documents pertaining to a specified incident and a second request from a different requestor for any records related to the same incident, excluding the "Texas Peace Officers Report[.]" You inform us that the department is releasing some of the requested information, with certain information redacted pursuant to section 552.130(c) of the Government Code, Open Records Decision No. 684 (2009), and Open Records Letter No. 2011-16393 (2011).¹

¹We note section 552.130(c) of the Government Code authorizes a governmental body to redact, without the necessity of requesting a decision from this office, the motor vehicle record information described in subsections 552.130(a)(1) and (a)(3). *See* Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e). We also note Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including Texas license plate numbers under section 552.130(a)(2) of the Government Code and an e-mail address of a member of the public under section 552.137 of the Government Code, without the necessity of requesting an attorney general decision. Further, we note Open Records Letter No. 2011-16393 is a previous determination authorizing the department to withhold, under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code, the originating telephone numbers and addresses of 9-1-1 callers furnished to the department by a 9-1-1 service supplier established in accordance with chapter 772 of the Health and Safety Code. *See* Open Records Decision No. 673 (2001) (governmental body may rely on previous determination when elements of law, facts, and circumstances have not changed, decision concludes specific, clearly delineated category of information is excepted, and governmental body is explicitly informed it need not seek a decision from this office to withhold information in response to future requests).

You claim the submitted information is 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 552.101 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. This section encompasses information made confidential by other statutes, such as section 143.090 of the Local Government Code. You state the City of Corpus Christi is a civil service city under chapter 143 of the Local Government Code. Section 143.090 provides as follows:

A department, [the Fire Fighters' and Police Officers' Civil Service Commission], or municipality may not release a photograph that depicts a police officer unless:

- (1) the officer has been charged with an offense by indictment or by information;
- (2) the officer is a party in a civil service hearing or a case before a hearing examiner or in arbitration;
- (3) the photograph is introduced as evidence in a judicial proceeding;
or
- (4) the officer gives written consent to the release of the photograph.

Local Gov't Code § 143.090. You inform us that the submitted photographs depict department police officers. You state none of the police officers depicted in these photographs have provided the department with written consent regarding the release of the photographs. You also state none of the remaining exceptions under section 143.090 apply in this instance. Based on your representations and our review, we conclude the department must withhold the submitted photographs under section 552.101 of the Government Code in conjunction with section 143.090 of the Local Government Code.

Section 552.130 of the Government Code excepts from public disclosure information relating to a motor vehicle title or registration issued by an agency of this state or another state or country. *See* Gov't Code § 552.130(a)(2). One of the video recordings on the submitted compact disc, which you have indicated, contains license plate numbers that are excepted from disclosure under section 552.130(a)(2). Because the department states it lacks the technological capability to redact such information from this video recording, we agree the department must withhold it in its entirety under section 552.130(a)(2) of the Government Code.

Section 552.147(a) of the Government Code excepts the social security number of a living individual from public disclosure. *See id.* § 552.147. You inform us that the remaining video recordings on the submitted compact disc contain the social security numbers of living individuals. Because the department also states that it does not possess the technological capability to redact this information from these video recordings, we agree the department may withhold them in their entirety under section 552.147 of the Government Code. *See* Open Records Decision No. 364 (1983).

In summary, the department must withhold the submitted photographs under section 552.101 of the Government Code in conjunction with section 143.090 of the Local Government Code. The department must withhold the video recording you have indicated on the submitted compact disc in its entirety under section 552.130(a)(2) of the Government Code. The remaining videos recordings on this compact disc may be withheld in their entirety 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,



Kenneth Leland Conyer
Assistant Attorney General
Open Records Division

KLC/bhf

Ref: ID# 466280

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)