



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 4, 2013

Ms. Teresa L. Presley
Records Manager
City of Frisco Police Department
7200 Stonebrook Parkway
Frisco, Texas 75034

OR2013-05340

Dear Ms. Presley:

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# 482988.

The Frisco Police Department (the "department") received two requests: the first from an individual who requested the video recordings related to his own arrest, as well as the dispatch records of specified complaints and a specified police report; and the second from that individual's attorney, who also requested the audio and video recordings related to the arrest of the individual. You claim the requested 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.

Initially, we note the department did not submit the requested dispatch records or police report requested by the individual at issue. We assume, to the extent any additional responsive information existed when the department received the request for information, the department has released it. If not, then the department must do so immediately. *See* Gov't Code §§ 552.006, .301, .302; Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

Next, you state some of the submitted information is not responsive to either request for information. A governmental body must make a good faith effort to relate a request to

information held by the governmental body. *See* Open Records Decision No. 561 at 8 (1990). Both requestors ask for video recordings related to a specified arrest. We understand the submitted video recordings pertain to this arrest. Accordingly, we find the entirety of the submitted information to be responsive to both requests. Therefore, we will address your claimed exception for the entirety of the submitted information.

Section 552.130(a) of the Government Code provides the following:

Information is excepted from the requirements of Section 552.021 if the information relates to:

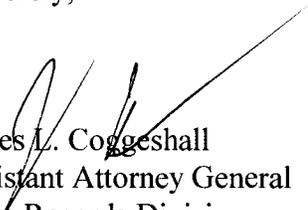
- (1) a motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country;
- (2) a motor vehicle title or registration issued by an agency of this state or another state or country; or
- (3) a personal identification document issued by an agency of this state or another state or country or a local agency authorized to issue an identification document.

Gov't Code § 552.130(a). The submitted information consists of two recordings. The first recording contains audible motor vehicle and personal identification information that is subject to section 552.130. Both requestors have a general right of access to the motor vehicle record information pertaining to the individual at issue pursuant to section 552.023 of the Government Code. *See id.* § 552.023(a) (“[a] person or a person’s authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person’s privacy interests”). However, there is no indication either requestor also has a right of access to the remaining motor vehicle or personal identification information in the first recording, which pertains to other individuals. You state the department does not have the technical capability to redact the information subject to section 552.130 in the submitted video recordings. Based on this representation, we agree the department must withhold the first recording in its entirety from both requestors under section 552.130. However, upon review we find the second recording does not contain audible or discernable motor vehicle or personal identification information that is subject to section 552.130. *See id.* § 552.130(a). Therefore, the department may not withhold the second recording pursuant to section 552.130 but, instead, must release it to the requestors.

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/tch

Ref: ID# 482988

Enc. Submitted documents

c: Two Requestors
(w/o enclosures)