



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 14, 2013

Ms. Monique Auchey
Records Custodian
City of Leander Police Department
705 Leander Drive
Leander, Texas 78641

OR2013-14125

Dear Ms. Auchey:

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# 496570.

The Leander Police Department (the "department") received a request for video and tape recordings regarding a specified incident, including any radio transmissions and communications with dispatch. You claim 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.

Initially, we note a portion of the submitted information is not responsive to the present request for information because it does not consist of video or tape recordings. This ruling does not address the public availability of this non-responsive information, which we have marked, and the department need not release it in response to this request.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release. *See* Gov't Code § 552.130. The department seeks to withhold the submitted video recordings in their entirety under section 552.130. Upon review, we agree three of the submitted video recordings contain discernable and audible driver's license and license plate numbers belonging to individuals other than the requestor's client. You

state the department does not have the technological capability to redact this information from these video recordings. Thus, we conclude the department must withhold this information in its entirety under section 552.130 of the Government Code. However, upon review, we find the remaining video recording, which we have indicated, does not contain motor vehicle record information subject to section 552.130 of the Government Code. Accordingly, the department may not withhold the video recording we have indicated on that basis. As you raise no further exceptions to disclosure, the department must release the video recording we have indicated.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Kristi L. Wilkins
Assistant Attorney General
Open Records Division

KLW/bhf

Ref: ID# 496570

Enc. Submitted documents

c: Requestor
(w/o enclosures)