



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 9, 2013

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

OR2013-15606

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# 498721.

The Frisco Police Department (the "department") received a request for the video footage related to a specified incident. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You assert the submitted video recordings contain license plate numbers that are excepted from disclosure under section 552.130 of the Government Code. Section 552.130 provides information relating to a motor vehicle operator's or driver's license or permit, a motor vehicle title or registration, or a personal identification document issued by an agency of Texas or another state or country is excepted from public release. Gov't Code § 552.130(a). Upon review, we agree the submitted video recordings we have indicated contain license plate numbers. In this instance, you state the department does not possess the technological capability to redact information from video files. Thus, we agree the department must withhold the entirety of the video recordings we have indicated under section 552.130 of the Government Code. *See* Open Records Decision No. 364 (1983). However, we find the remaining video recording does not contain motor vehicle record information subject to section 552.130 of the Government Code and it may not be withheld on that basis.

Section 552.101 of the Government Code excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses the doctrine of common-law privacy, which protects information that is (1) highly intimate or embarrassing, the publication of which would be

highly objectionable to a reasonable person and (2) not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. *Id.* at 681-82. Types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation. Id.* at 683. Additionally, this office has concluded some kinds of medical information are generally highly intimate or embarrassing. See Open Records Decision No. 455 (1987). Upon review, we find no portion of the remaining video recording is highly intimate or embarrassing and of no legitimate public concern. Accordingly, the department may not withhold the remaining video recording under section 552.101 of the Government Code in conjunction with common-law privacy.

In summary, the department must withhold the entirety of the video recordings we have indicated under section 552.130 of the Government Code. The department must release the remaining video recording.

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,



Jennifer Burnett
Assistant Attorney General
Open Records Division

JB/tch

Ref: ID# 498721

Enc. Submitted documents

c: Requestor
(w/o enclosures)