



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 10, 2013

Ms. Monique Auchey  
Records Custodian  
City of Leander Police Department  
705 Leander Drive  
Leander, Texas 78641-2024

OR2013-21409

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# 510786.

The Leander Police Department (the "department") received a request for information pertaining to a specified incident. You state the department does not have some of the requested information.<sup>1</sup> You also state the department has released some information, including the submitted CR-3 accident report. *See* Transp. Code § 550.065(c)(4). The department claims the remaining submitted information is excepted from disclosure under section 552.130 of the Government Code. We have considered the claimed exception and reviewed 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

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<sup>1</sup>The Act does not require a governmental body to disclose information that did not exist when the request for information was received. *Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. App.—San Antonio 1978, writ dismissed); Open Records Decision No. 452 at 3 (1986).

(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.

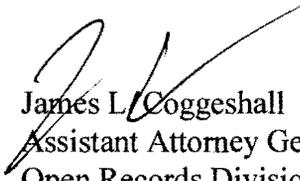
Gov't Code § 552.130(a). The submitted video recordings contain motor vehicle record information. You state the department does not have the technological capability to redact the motor vehicle record information from the video recordings. Thus, we conclude the department must withhold the submitted video recordings in their entirety under section 552.130 of the Government Code. *See id.* The department must also withhold the motor vehicle record information we have marked in the remaining documents on that same ground.<sup>2</sup>

To conclude, the department must withhold the submitted video recordings in their entirety and the information we have marked in the remaining documents under section 552.130 of the Government Code. The department must release the remaining 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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](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,

  
James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/tch

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<sup>2</sup>We note section 552.130(c) of the Government Code allows a governmental body to redact the information described in subsection 552.130(a) without the necessity of seeking a decision from the attorney general. *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).

Ref: ID# 510786

Enc. Submitted documents

c: Requestor  
(w/o enclosures)