



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 24, 2014

Ms. Rachel Saucier
Legal Assistant
City of Georgetown
P.O. Box 409
Georgetown, Texas 78627-0409

OR2014-04902

Dear Ms. Saucier:

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# 517637 (PD ORR 2014-4).

The City of Georgetown (the "city") received a request for five categories of information related to a specified motor vehicle accident. You state you have released some of the requested information. You claim the submitted video recordings are excepted from disclosure under section 552.130 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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 id.* § 552.130(a). The city seeks to withhold the motor vehicle record information in the submitted video recordings under section 552.130. We note, however, section 552.130 protects personal privacy. In this instance, some of the motor vehicle information pertains to the requestor's client. Accordingly, the requestor has a right of access to his client's motor vehicle record information under section 552.023 of the Government Code. *See id.* § 552.023(a) (governmental body may not deny access to person to whom information relates or person's agent on ground that information is considered confidential by privacy principles); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individuals request information concerning themselves). As you state the city lacks the technical capability to redact the information at issue from the submitted video recordings, we find the city must withhold the video recordings we have

noted in their entirety under section 552.130 of the Government Code. We find the remaining video recordings do not contain discernible motor vehicle record information or only contain motor vehicle record information that belongs to the requestor's client. Accordingly, the city may not withhold the remaining video recordings under section 552.130.

We note some of the remaining information may be subject to section 552.1175 of the Government Code.¹ Section 552.1175 protects the home address, home telephone number, emergency contact information, date of birth, social security number, and family member information of certain individuals, when that information is held by a governmental body in a non-employment capacity and the individual elects to keep the information confidential. *See Gov't Code § 552.1175.* Section 552.1175 applies, in part, to "peace officers as defined by Article 2.12, Code of Criminal Procedure[.]" *Id.* § 552.1175(a)(1). One of the remaining video recordings, which we have noted, contains information that relates to an officer of the city's police department but the information is not held by the city in an employment capacity. We understand you do not have the technical capacity to redact the information at issue from the recording at issue. Accordingly, if the officer at issue elects to restrict access to his information in accordance with section 552.1175(b), then the city must withhold the video recording we have noted in its entirety under section 552.1175 of the Government Code. Conversely, if the officer at issue does not elect to restrict access to his information in accordance with section 552.1175(b), the video recording we have noted may not be withheld under section 552.1175 of the Government Code.

In summary, the city must withhold the video recordings we have noted in their entirety under section 552.130 of the Government Code. If the officer at issue elects to restrict access to his information in accordance with section 552.1175(b) of the Government Code, the city must withhold the remaining video recording we have noted in its entirety under section 552.1175 of the Government Code. The city must release the remaining video recordings.²

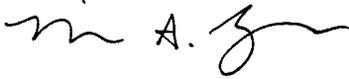
¹The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).*

²We note the requestor has a special right of access to the motor vehicle record information being released in this instance. *See Gov't Code § 552.023(a)* (governmental body may not deny access to person to whom information relates, or that party's representative, solely on grounds that information is considered confidential by privacy principles). 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 id.* § 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). Accordingly, if the city receives another request for this information from a requestor who does not have such a right of access, section 552.130(c) authorizes the city to redact the motor vehicle record information at issue without the necessity of requesting a decision under the Act.

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,

A handwritten signature in black ink, appearing to read "N. A. Ybarra". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nicholas A. Ybarra
Assistant Attorney General
Open Records Division

NAY/ac

Ref: ID# 517637

Enc. Submitted documents

c: Requestor
(w/o enclosures)