



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 15, 2014

Ms. Rachel L. Lindsay
Counsel for City of Krugerville
Brown & Hofmeister, L.L.P.
740 East Campbell Road, Suite 800
Richardson, Texas 75081

OR2014-06247

Dear Ms. Lindsay:

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# 519611.

The City of Krugerville (the "city"), which you represent, received three requests from two requestors for the dash camera video recordings for specified ticket numbers. 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.

Section 552.130 of the Government Code 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 find one of the submitted video recordings contains information subject to section 552.130. You state the city does not have the technological capability to redact information from the recording. Accordingly, the city must withhold the video recording we have indicated in its entirety under section 552.130. However, we find the remaining video recording does not contain any

discernible information that is subject to section 552.130. As such, the city may not withhold the remaining video recording on that basis.

Section 552.1175 of the Government Code 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.¹ *Id.* § 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). The audio portion of the remaining video recording contains personal information of a peace officer that is held in a non-employment capacity and is subject to section 552.1175. The audio portion of the recording is intertwined with the video portion of the recording. As previously noted, the city does not have the technological capability to redact information from the recording. Thus, to the extent the officer whose information is at issue is a currently licensed peace officer and elects to restrict access to his information in accordance with section 552.1175(b), the city must withhold the remaining video recording in its entirety under section 552.1175. If the peace officer whose information we have indicated is no longer a licensed peace officer or no election is made, the city may not withhold the remaining video recording under section 552.1175.

In summary, the city must withhold the video recording we have indicated in its entirety under section 552.130 of the Government Code. To the extent the officer whose information we have indicated is a currently licensed peace officer and 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 in its entirety under section 552.1175 of the Government Code. To the extent the officer whose information we have indicated is no longer a licensed peace officer or no election is made, the city 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

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

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 that reads "Lindsay E. Hale". The signature is written in a cursive style with a large initial "L".

Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/ac

Ref: ID# 519611

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)