



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 13, 2014

Ms. Cara Leahy White
Counsel for Town of Flower Mound
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6000 Western Place, Suite 200
I-30 at Bryant Irvin Road
Fort Worth, Texas 76107-4654

OR2014-14165

Dear Ms. White:

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# 532542.

The Town of Flower Mound (the "town"), which you represent, received a request for information related to a specified report. You state the town will redact information under sections 552.130 and 552.147 of the Government Code and Open Records Decision No. 684 (2009).¹ You claim portions of the submitted information are 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.

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses 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

¹Section 552.130 of the Government Code authorizes a governmental body to redact motor vehicle record information without the necessity of requesting a ruling from this office, but the governmental body must provide notice to the requestor. *See* Gov't Code § 552.130(c)-(e). Section 552.147 of the Government Code authorizes a governmental body to redact the social security number of a living person without requesting a decision from this office. *See id.* § 552.147(b). Open Records Decision No. 684 authorizes a governmental body to withhold other specified categories of information without requesting a ruling from this office. *See* ORD 684.

demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. *See id.* at 681–82. The types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation. Id.* at 683. However, we note the public has a legitimate interest in knowing the general details of a crime. *See generally Lowe v. Hearst Communications, Inc.*, 487 F.3d 246, 250 (5th Cir. 2007) (noting a “legitimate public interest in facts tending to support an allegation of criminal activity” (citing *Cinel v. Connick*, 15 F.3d 1338, 1345–46 (1994)); *Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d at 186–87 (public has legitimate interest in details of crime and police efforts to combat crime in community); *see also* Open Records Decision Nos. 611 at 1 (1992) (family violence is a crime, not a private matter). Upon review, we find there is a legitimate public interest in the information you have marked under common-law privacy. Accordingly, the city may not withhold that information under section 552.101 of the Government Code.

You seek to withhold the submitted video recording in its entirety under section 552.130 of the Government Code, which excepts from disclosure information relating to a motor vehicle operator’s or driver’s license or permit and a motor vehicle title or registration issued by an agency of this state or another state or country. Gov’t Code § 552.130(a)(1), (2). The submitted video recording contains references to motor vehicle record information. You state the city lacks the technological capability to redact this information from the video recording. Accordingly, the city must withhold the submitted video recording in its entirety under section 552.130 of the Government Code. As you raise no further exceptions to disclosure, the city 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, 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,



Neal Falgoust
Assistant Attorney General
Open Records Division

NF/bhf

Ref: ID# 532542

Enc. Submitted documents

c: Requestor
(w/o enclosures)