



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 12, 2014

Ms. Debbie Thomas
City Secretary
City of Alvarado
104 West College
Alvarado, Texas 76009

OR2014-16171

Dear Ms. Thomas:

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# 535988.

The City of Alvarado (the "city") received a request for a video recording pertaining to a specified incident. 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). You state, and we agree, portions of the video recording contain information subject to section 552.130 of the Government Code. You state the city does not have the technological capability to redact the motor vehicle record information from the recording at issue. Accordingly, the city must generally withhold the submitted video recording in its entirety under section 552.130 of the Government Code. *See* Open Records Decision No. 364 (1983).

We note section 552.130 protects privacy interests. In this instance, the requestor is the spouse of the individual whose privacy interests are at issue and may be acting as her spouse's authorized representative. Thus, she may have a right of access to her spouse's

motor vehicle record information. *See* Gov't Code § 552.023(a) ("person or a person's authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person's privacy interests"); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself). Accordingly, if the requestor is acting as her spouse's authorized representative, then she has a right of access to the motor vehicle record information pertaining to her spouse pursuant to section 552.023, and this information may not be withheld from her under section 552.130. In that instance, the city must release the submitted video recording to this requestor. However, if the requestor is not acting as her spouse's authorized representative, then the city must withhold the submitted video recording in its entirety under section 552.130 of the Government Code.

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,



Megan G. Holloway
Assistant Attorney General
Open Records Division

MGH/akg

Ref: ID# 535988

Enc. Submitted documents

c: Requestor
(w/o enclosures)