



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 16, 2011

Ms. Martha T. Williams
Olson & Olson, L.L.P.
For City of Spring Valley Village
2727 Allen Parkway, Suite 600
Houston, Texas 77019

OR2011-03619

Dear Ms. Williams:

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# 411702.

The City of Spring Valley Village (the "city"), which you represent, received a request for the audio and video recordings of a named officer's patrol activities during a specified period. You state the city does not maintain any responsive audio recordings.¹ You state that some of the information has been provided to the requestor. You claim the submitted information is excepted from disclosure under sections 552.103, 552.108, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.130 excepts from disclosure information related to a motor vehicle operator's or driver's license or permit issued by an agency of this state or a motor vehicle title or registration issued by an agency of this state. *See Gov't Code* § 552.130(a)(1), (2). Upon review we find the submitted video recordings contain audible Texas motor vehicle record information that must be withheld under section 552.130. You inform this office that the city lacks the technology to redact this information from the video recordings. Accordingly, we

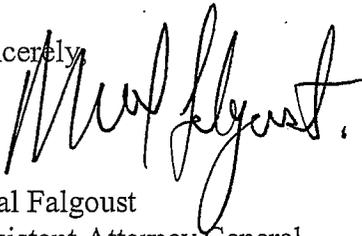
¹The Act does not require a governmental body that receives a request for information to create information that did not exist when the request was received. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dism'd); Open Records Decision Nos. 605 at 2 (1992), 563 at 8 (1990), 555 at 1-2 (1990), 452 at 3 (1986), 362 at 2 (1983).

conclude the city must withhold the entirety of the submitted video recordings under section 552.130 of the Government Code. *See* Open Records Decision No. 364 (1983).²

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.oag.state.tx.us/open/index_orl.php, 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 must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free at (888) 672-6787.

Sincerely,



Neal Falgoust
Assistant Attorney General
Open Records Division

NF/dls

Ref: ID# 411702

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²As our ruling is dispositive, we do not address your remaining arguments against disclosure.