



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 6, 2013

Mr. Ronald J. Bounds  
Assistant City Attorney  
City of Corpus Christi  
P.O. Box 9277  
Corpus Christi, Texas 78469-9277

OR2013-03823

Dear Mr. Bounds:

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# 480953 (CCPD File No. KBai1).

The Corpus Christi Police Department (the "department") received a request for videos, photographs, and statements related to a specified incident. You state the department will release some information to the requestor. You claim the submitted information is excepted from disclosure under sections 552.101, 552.130, and 552.147 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 disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information made confidential by other statutes, such as section 143.090 of the Local Government Code. You state the City of Corpus Christi is a civil service city under chapter 143 of the Local Government Code. Section 143.090 of the Local Government Code, provides:

A department, [the Fire Fighters' and Police Officers' Civil Service Commission], or municipality may not release a photograph that depicts a police officer unless:

- (1) the officer has been charged with an offense by indictment or by information;
- (2) the officer is a party in a civil service hearing or a case before a hearing examiner or in arbitration;
- (3) the photograph is introduced as evidence in a judicial proceeding; or
- (4) the officer gives written consent to the release of the photograph.

Local Gov't Code § 143.090. You state the submitted photographs you have marked depict department police officers. You state the police officers depicted in the photographs have not provided the department with written consent regarding the release of the photographs. You do not inform us, and it does not appear, any of the exceptions to withholding a photograph under section 143.090 are applicable. Therefore, the department must withhold the photographs depicting police officers you have marked under section 552.101 of the Government Code in conjunction with section 143.090 of the Local Government Code.

Section 552.130 of the Government Code excepts from disclosure "information [that] relates to . . . a motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country [.]” See Gov't Code § 552.130(a)(1). The submitted video recording contains an audible driver's license number and a visible driver's license. You claim the department does not have the technological capacity to redact the motor vehicle record information from the submitted video recording. Therefore, we find the department must withhold the video recording in its entirety under section 552.130 of the Government Code.<sup>1</sup>

In summary, the department must withhold the photographs depicting police officers you have marked under section 552.101 of the Government Code in conjunction with section 143.090 of the Local Government Code and the 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

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<sup>1</sup>As our ruling is dispositive, we need not address your remaining argument against disclosure.

responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](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,



Jennifer Burnett  
Assistant Attorney General  
Open Records Division

JB/tch

Ref: ID# 480953

Enc. Submitted documents

c: Requestor  
(w/o enclosures)