



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 2, 2013

Chief Chuck May
Chief of Police
Madisonville Police Department
210 West Cottonwood Street
Madisonville, Texas 77864

OR2013-05228

Dear Chief May:

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# 482727.

The Madisonville Police Department (the "department") received a request for information pertaining to three named individuals and five specified video recordings. You state you have released some information to the requestor. 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. We have also received and considered comments submitted by the requestor and another individual. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Section 552.130 of the Government Code provides that information relating to a motor vehicle operator's license, driver's license, title, or registration issued by an agency of this state or another state or country is excepted from public release. *Id.* § 552.130(a)(1), (2). You state, and we agree, the submitted video recordings contain discernible and audible motor vehicle record information. You also state the department lacks the technological capability to redact this information from the submitted video recordings. Based on this representation, we conclude the department must withhold the submitted video recordings we have indicated in their entirety under section 552.130 of the Government Code. We note the remaining video recording includes the motor vehicle information of the requestor's minor son, which the department would be required to withhold from the general public under section 552.130 of the Government Code. However, because section 552.130 protects

personal privacy, the requestor has a right of access to her minor son's motor vehicle information under section 552.023 of the Government Code. *See id.* § 552.023(a) (person or person's authorized representative has special right of access, beyond right of general public, to information held by governmental body that relates to person and is protected from public disclosure by laws intended to protect person's privacy interests; Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself). Accordingly, the department must withhold only the video recordings we have indicated under section 552.130 of the Government Code. The remaining video recording must be released.¹

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,



Paige Lay
Assistant Attorney General
Open Records Division

PL/bhf

Ref: ID# 482727

Enc. Submitted documents

cc: Requestor
(w/o enclosures)

¹We note the requestor has a right of access to some of the information being released under section 552.023 of the Government Code. Therefore, if the department receives another request for this same information from a different requestor, it must again seek a ruling from this office.