



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 8, 2013

Ms. Rhonda Ray  
JPD/CID Open Records Clerk  
City of Jacksonville Police Department  
210 West Larissa Street  
Jacksonville, Texas 75766

OR2013-05553

Dear Ms. Ray:

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# 485399.

The Jacksonville Police Department (the "department") received a request for video recordings for a specified period of time. You state the department does not have some of the requested information.<sup>1</sup> We have considered your arguments and reviewed the submitted responsive information.

Initially, you inform us most of the submitted recordings are not responsive to the request for information. This ruling does not address the public availability of any information that is not responsive to the request, and the department is not required to release this information in response to this request.

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<sup>1</sup>The Act does not require a governmental body to disclose information that did not exist when the request for information was received. *Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. App.—San Antonio 1978, writ dism'd); Open Records Decision No. 452 at 3 (1986).

We next note section 552.117 of the Government Code is applicable to some of the submitted responsive information.<sup>2</sup> Section 552.117(a)(2) of the Government Code excepts from public disclosure the home addresses, home telephone numbers, emergency contact information, and social security number of a peace officer, as well as information that reveals whether the peace officer has family members, regardless of whether the peace officer complies with section 552.024 or section 552.1175 of the Government Code.<sup>3</sup> Gov't Code § 552.117(a)(2). Thus, the department must withhold the information pertaining to a police officer we have indicated on one of the submitted responsive recordings pursuant to section 552.117(a)(2).

Some of the remaining responsive information is also excepted from disclosure under section 552.130 of the Government Code. Section 552.130(a) provides the following:

Information is excepted from the requirements of Section 552.021 if the information relates to:

- (1) a motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country;
- (2) a motor vehicle title or registration issued by an agency of this state or another state or country; or
- (3) a personal identification document issued by an agency of this state or another state or country or a local agency authorized to issue an identification document.

*Id.* § 552.130(a). The department must withhold the discernable license plate numbers in the submitted responsive recordings under section 552.130. The department must also withhold the motor vehicle record information we have indicated on the submitted responsive recordings under section 552.130 of the Government Code.

You indicate some of the remaining responsive information should be withheld in order to protect "personal" information of citizens on the submitted responsive recordings. However, you do not cite to any provision of the Act or any specific law, and we are not aware of any, that makes any of the remaining responsive information confidential or would otherwise allow the department to withhold the information from release under the Act. *See id.* § 552.301(b) (governmental body must ask for the attorney general's decision and state exceptions that apply within ten business days after receiving request for information); Open

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<sup>2</sup>The Office of the Attorney General will raise mandatory exceptions on behalf of a governmental body. *See* Open Records Decision Nos. 481 at 2 (1987), 480 at 5 (1987).

<sup>3</sup>"Peace officer" is defined by article 2.12 of the Texas Code of Criminal Procedure.

Records Decision No. 478 at 2 (1987) (statutory confidentiality requires express language making information confidential or stating information shall not be released to public). Thus, we find the department has failed to establish any of the remaining responsive information is excepted from disclosure under the Act.

To conclude, the department must withhold the information we have indicated on the submitted responsive information pursuant to sections 552.117(a)(2). The department must also withhold the discernable license plate numbers and the motor vehicle record information we have indicated on the submitted responsive recordings under 552.130 of the Government Code. The department must release the remaining responsive 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.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,



James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/tch

Ref: ID# 485399

Enc. Submitted documents

c: Requestor  
(w/o enclosures)