



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 18, 2013

Ms. Rachel Saucier  
Legal Assistant  
City of Georgetown  
P.O. Box 409  
Georgetown, Texas 78627-0409

OR2013-20063

Dear Ms. Saucier:

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# 505958 (Georgetown PD ORR 2013-463).

The Georgetown Police Department (the "department") received a request for information pertaining to a specified automobile accident.<sup>1</sup> You state the department has released some of the requested information. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.130 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. Section 552.101 encompasses the doctrine of common-law privacy, which protects information that is (1) highly intimate or embarrassing, the publication of which would be highly objectionable to a reasonable person and (2) not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To

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<sup>1</sup>The City of Georgetown (the "city"), in its brief to our office on behalf of the department, states "[t]he [c]ity received the attached Open Records Act Request, dated August 21, 2013, on September 9, 2013 . . . [p]lease note this request was misplaced and therefore not processed in a timely manner." We note the request is addressed to the department and the city has not informed us of the date the department received the request for information. However, regardless of whether the department failed to comply with section 552.301 of the Government Code in requesting a ruling, we note sections 552.101 and 552.130 of the Government Code are mandatory exceptions that constitute compelling reasons to withhold information sufficient to overcome the presumption of openness caused by a failure to comply with section 552.301. See Gov't Code §§ 552.007, .301, .302, .352. Accordingly, we will consider the department's arguments under sections 552.101 and 552.130 of the Government Code.

demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. *Id.* at 681-82. Types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation. Id.* at 683. Upon review, we find the department has failed to demonstrate how any of the submitted information satisfies the standard articulated by the Texas Supreme Court in *Industrial Foundation*. Therefore, the department may not withhold any portion of the submitted information under section 552.101 in conjunction with common-law privacy.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license or driver's license, motor vehicle title, or registration issued by an agency of this state or another state or country is excepted from public release. Gov't Code § 552.130(a)(1)-(2). You state, and we agree, the submitted video recordings contain license plate numbers and driver's license numbers subject to section 552.130. You inform us the department does not have the technological capability to redact information from the video recordings. Accordingly, the department must withhold the video recordings in their entireties under section 552.130(a) of the Government Code. *See* Open Records Decision No. 364 (1983). We note the submitted documents contain motor vehicle record information subject to section 552.130. Therefore, the department must withhold the information we have marked under section 552.130 of the Government Code.

In summary, the department must withhold the submitted video recordings in their entireties and the information we have marked under section 552.130 of the Government Code. The remaining information must be released.

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](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,



Jennifer Luttrall  
Assistant Attorney General  
Open Records Division

JL/som

Ref: ID# 505958

Enc. Submitted documents

c: Requestor  
(w/o enclosures)