



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 3, 2014

Ms. Courtney Rutherford
Assistant City Secretary
City of Jersey Village
16327 Lakeview Drive
Jersey Village, Texas 77040

OR2014-17685

Dear Ms. Rutherford:

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# 538306 (JV - PIR# 161).

The City of Jersey Village (the "city") received a request for the police report, narratives, and recordings related to a specified incident. We understand the city has redacted a social security number under section 552.147 of the Government Code.¹ You state you have released some information to the requestor. You claim the remaining requested 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.

The city states the requestor has agreed to the redaction of information made confidential by section 552.130 of the Government Code. Section 552.130 provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release. *See* Gov't Code § 552.130. We note section 552.130 protects personal privacy. Accordingly, the requestor has a right of access to her own motor vehicle record information under section 552.023 of the Government Code and it may not

¹Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office. *See* Gov't Code § 552.147(b).

be withheld under section 552.130. *See id.* § 552.023(a) (governmental body may not deny access to person to whom information relates or person's agent on ground that information is considered confidential by privacy principles); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individuals request information concerning themselves). Upon review, we agree the submitted audio recording in Exhibit B contains motor vehicle record information. You state the city lacks the technological capability to redact the confidential information in the audio recordings. Nevertheless, because the city had the ability to copy the submitted audio recording in order to submit the requested information for our review, we believe the city has the capacity to produce a copy of only the non-confidential portions of the recording. Therefore, the city must withhold the information we have indicated in the audio recording in Exhibit B, and the information we have marked in the submitted report, under section 552.130 of the Government Code. *See* Open Records Decision No. 364 (1983). 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, 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,



Rustam Abedinzadeh
Assistant Attorney General
Open Records Division

RA/dls

Ref: ID# 538306

Enc. Submitted documents

c: Requestor
(w/o enclosures)