



January 15, 2015

Ms. Crystal Koonce
Open Records
Williamson County Sheriff's Office
508 South Rock Street
Georgetown, Texas 78626

OR2015-00849

Dear Ms. Koonce:

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# 550239.

The Williamson County Sheriff's Office (the "sheriff's office") received a request for information pertaining to a traffic accident between the requestor's client and a named individual. You claim portions of the submitted information are excepted from disclosure under sections 552.102, 552.130, and 552.136 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.102(a) of the Government Code excepts from disclosure "information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Gov't Code § 552.102(a). The Texas Supreme Court held section 552.102(a) excepts from disclosure the dates of birth of state employees in the payroll database of the *Texas Comptroller of Public Accounts*. *Tex. Comptroller of Pub. Accounts v. Attorney Gen. of Tex.*, 354 S.W.3d 336 (Tex. 2010). Thus, under the *Texas Comptroller* decision, section 552.102(a) is applicable to the birth date of an employee of a governmental body in a record maintained by the employer in an employment context. The information you have marked under section 552.102 is held by the sheriff's office in a law enforcement context. Thus, we find the information you marked is not subject to section 552.102(a) of the Government Code, and the sheriff's office may not withhold it on that basis.

Section 552.130 of the Government Code 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. You state portions of the submitted information, including the submitted video recording is excepted from disclosure under section 552.130. Further, you state you do not have the technological capability to redact the motor vehicle record information from the submitted video recording. Upon review, we find the sheriff's office must withhold the submitted video recording in its entirety and the motor vehicle record information you marked and we marked in the submitted documents under section 552.130 of the Government Code.¹

In summary, the sheriff's office must withhold the submitted video recording in its entirety and the motor vehicle record information you marked and we marked in the submitted documents under section 552.130 of the Government Code. The sheriff's office must release the remaining information.²

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,



Lauren Dahlstein
Assistant Attorney General
Open Records Division

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

²We note the requestor has a special right of access to some of the information being released, including his client's motor vehicle record information subject to section 552.130, under section 552.023 of the Government Code. See Gov't Code § 552.023 (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).

Ref: ID# 550239

Enc. Submitted documents

c: Requestor
(w/o enclosures)