



January 30, 2015

Mr. Jeffrey L. Moore
Counsel for the City of Roanoke
Brown & Hofmeister, L.L.P.
740 East Campbell Road, Suite 800
Richardson, Texas 75081

OR2015-01913

Dear Mr. Moore:

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# 554483.

The City of Roanoke (the "city"), which you represent, received a request for information pertaining to a specified accident. The city states it is releasing some of the requested information, but claims the submitted information is excepted from disclosure under section 552.130 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

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. The submitted information consists of three video recordings that you assert contain motor vehicle record information. Upon review, we find the first two recordings contain discernable motor vehicle record information. You state the city lacks the technical capability to redact the information subject to section 552.130 from these recordings. Accordingly, we agree the city must withhold the first two video recordings in their entirety under section 552.130. However, we are not able to locate, nor do you identify, any discernable motor vehicle record information in the remaining recording. Therefore, the city may not withhold any the remaining information under section 552.130. Nevertheless, section 552.101 of the Government Code is applicable to information in the remaining recording.¹

¹The 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).

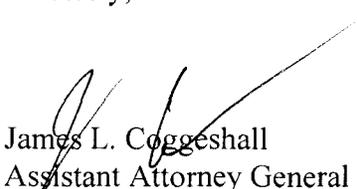
Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses the doctrine of common-law privacy, which protects information that is (1) highly 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 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. Additionally, this office has concluded some kinds of medical information are generally highly intimate or embarrassing. See Open Records Decision No. 455 (1987). Upon review, we find the remaining recording contains information that satisfies the standard articulated by the Texas Supreme Court in *Industrial Foundation*. As noted in part above, you inform us the city lacks the technical capability to redact information from the submitted video recordings. Accordingly, the city must withhold the remaining video recording in its entirety under section 552.101 of the Government Code in conjunction with common-law privacy.

To conclude, the city must withhold the first two video recordings in their entirety under section 552.130 of the Government Code. The city must withhold the remaining video recording in its entirety under section 552.101 of the Government Code in conjunction with common-law privacy.

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,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/cbz

Ref: ID# 554483

Enc. Submitted documents

c: Requestor
(w/o enclosures)