



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 15, 2015

Ms. Teresa L. Presley
Records Manager
City of Frisco
7200 Stonebrook Parkway
Frisco, Texas 75034

OR2015-14439

Dear Ms. Presley:

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# 571868 (Frisco Ref. No. P004548-042915).

The Frisco Police Department (the "department") received a request for (1) any and all incident report forms for a specified incident; (2) the call sheet for the specified incident; (3) the 9-1-1 recordings; (4) all officer field notes; (5) photographs and video of the incident; (6) witness statements; (7) measurements taken at the incident site; (8) any tests conducted; (9) any electronic data retrieval downloads; (10) any departmental memoranda or messages about the incident; (11) any findings by outside parties; (12) all physical evidence from the specified incident. You state you will release some information. You claim the submitted 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.

We note you have only submitted information pertaining to some of the categories of the request relating to the specified investigation and state you will release certain information pertaining to other categories of the request. However, you have not submitted or state you will release any information responsive to the remaining categories of the request. To the extent information responsive to the remaining portions of the request exists and was maintained by the department on the date it received the request, we assume the department has released it to the requestor. If the department has not released any such information, it must do so at this time. Gov't Code § 552.301(a), .302; Open Records Decision No. 664

(2000) (noting that if a governmental body concludes that no exceptions apply to the requested information, it must release information as soon as possible under circumstances).

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's or driver's license or permit, a motor vehicle title or registration, or a personal identification document issued by an agency of Texas or another state or country is excepted from public release. Gov't Code § 552.130(a). Upon review, we find the audio and video portions of the submitted recordings are subject to section 552.130. The audio portions of the recording are intertwined with the video portions of the recording. You state the department does not have the technological capability to redact the motor vehicle record information from the recordings. Accordingly, the department must withhold the submitted recordings in their entireties under section 552.130. *See* Open Records Decision No. 364 (1983).

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,



Mili Gosar
Assistant Attorney General
Open Records Division

MG/eb

Ref: ID# 571868

Enc. Submitted documents

c: Requestor
(w/o enclosures)