



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 9, 2015

Mr. Ryan D. Pittman  
Counsel for the City of Frisco  
Abernathy, Roeder, Boyd & Hullett, P.C.  
P.O. Box 1210  
McKinney, Texas 75070-1210

OR2015-18824

Dear Mr. Pittman:

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# 578480.

The City of Frisco (the "city"), which you represent, received two requests from the same requestor for information related to a specified incident. You state you will release some information to the requestor. You claim the submitted information is excepted from disclosure under sections 552.103 and 552.130 of the Government Code.<sup>1</sup> We have considered the exceptions you claim and reviewed the submitted information.

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 portions of the submitted video recording are subject to section 552.130. You state the city does not have

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<sup>1</sup>Although you raise section 552.102 of the Government Code, you make no arguments to support this exception. Therefore, we assume the city no longer asserts section 552.102. See Gov't Code §§ 552.301, .302. Furthermore, although you raise section 552.023 of the Government Code, we note section 552.023 is not an exception to public disclosure under the Act. See *id.* § 552.023 ("person's authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person's privacy interests").

the technological capability to redact the motor vehicle record information from the recording. Accordingly, the city must withhold the submitted recording in its entirety under section 552.130. *See* Open Records Decision No. 364 (1983).<sup>2</sup>

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,



Joseph Behnke  
Assistant Attorney General  
Open Records Division

JB/som

Ref: ID# 578480

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>2</sup>As our ruling is dispositive, we need not address your remaining argument against disclosure.