



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 16, 2015

Ms. Sarah Stallberg
Assistant County Attorney
Open Records Division
Montgomery County
501 North Thompson, Suite 300
Conroe, Texas 77301

OR2015-19283

Dear Ms. Stallberg:

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# 579773 (ORR File 15PIA402).

The Montgomery County Sheriff's Office (the "sheriff's office") received a request for information pertaining to a specified incident. You state you have released most of the requested information to the requestor. 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 have also received and considered comments submitted by the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit written comments regarding why information should or should not be released).

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. *Id.* § 552.130(a). Upon review, we find the submitted video recording and a portion of the audio recording, which we have indicated, contain information subject to section 552.130. You state the sheriff's office does not have the technological capability to redact the motor vehicle record information from the recordings. However, because the sheriff's office had the ability to copy the submitted audio recording for our review, we believe the sheriff's office has the capability to produce a copy of only the non-confidential portions of the audio recording. Accordingly, the sheriff's office must withhold the

submitted video recording in its entirety and the motor vehicle record information we have indicated in the audio recording under section 552.130 of the Government Code.

The requestor asserts a right of access to this motor vehicle record information under section 730.007 of the Transportation Code. Chapter 730 is applicable only to an "agency . . . that compiles or maintains motor vehicle records." Transp. Code § 730.003(1). The sheriff's office is not an agency as defined by section 730.003(1). Therefore, chapter 730 does not apply to the sheriff's office, and we conclude the requestor does not have a right of access to this information pursuant to chapter 730 of the Transportation Code.

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

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,



Meredith L. Coffman
Assistant Attorney General
Open Records Division

MLC/dls

Ref: ID# 579773

Enc. Submitted documents

c: Requestor
(w/o enclosures)