



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 7, 2016

Ms. Rhonda Modisette
City of Nacogdoches
P.O. Drawer 635030
Nacogdoches, Texas 75963

OR2016-12989

Re: Request for offense report, dash cam footage, body cam footage, or any other recorded video or audio evidence material relating to the 04/29/16 arrest of a named individual (Reference # W002398-052016) (ORR # P16-07358)

Dear Ms. Modisette:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 621223.

After reviewing your arguments and the submitted information, we have determined your request does not present a novel or complex issue. Thus, we are addressing your claims in a memorandum opinion. You claim the video and information marked as "552.108" may be withheld from the requestor pursuant to section 552.108(a)(1) of the Government Code. We have considered your arguments and the information and have determined that in accordance with section 552.108(a)(1) you may withhold the video and information marked as "552.108." We agree you must withhold the marked motor vehicle record information in accordance with section 552.130 of the Government Code. We note the date of birth is not information subject to section 552.130. Lastly, for any living persons' dates of birth contained in the submitted information, you must withhold them pursuant to section 552.101 of the Government Code in conjunction with common-law privacy. *Paxton v. City of Dallas*, No. 03-13-00546-CV, 2015 WL 3394061, at *3 (Tex. App.—Austin May 22, 2015, pet. denied) (mem. op.).

For more information on the cited exception, please refer to the open government information on our website at <https://www.oag.state.tx.us/open/memorulings.shtml>. You may also contact our Open Government Hotline at 1-877-OPENTEX.

Enc: Submitted documents

c: Requestor
(w/o enclosures)