



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 14, 2016

Mr. Matthew L. Butler
Counsel for the City of Hurst
Boyle & Lowry, L.L.P.
4201 Wingren Drive, Suite 108
Irving, Texas 75062

OR2016-15928

Dear Mr. Butler:

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# 618624.

The Hurst Police Department (the "department"), which you represent, received a request for all video recordings and other information related to a specified incident. 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.

Initially, we note you have only submitted information responsive to the portion of the request for video recordings. You have not submitted information responsive to the request for information regarding officers' notes, supplements, photos, diagrams, laboratory reports, 911 audio recordings, and witness statements and contact information. To the extent any information responsive to the request related to these types of information existed on the date the department received the request, we assume the department has released it. If the department has not released any such information, it must do so at this time. *See* Gov't Code §§ 552.006, .301, .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

Section 552.130 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. Upon review, we find some of the submitted video recordings contain motor vehicle record information. The audio portion of the recordings are intertwined with the video portion of the recordings. You state the department does not have the technological capability to redact this information from the recordings. Accordingly, we conclude the department must withhold the submitted recordings we marked in their entireties under section 552.130 of the Government Code. *See* Open Records Decision No. 364 (1983). However, we further find the remaining submitted recordings do not contain motor vehicle record information. Therefore, the department may not withhold any portion of the remaining information under section 552.130 of the Government Code. As you raise no other exceptions to disclosure, the remaining information must be released.

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,



Ian Lancaster
Assistant Attorney General
Open Records Division

IML/dls

Ref: ID# 618624

Enc. Submitted documents

c: Requestor
(w/o enclosures)