



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

October 3, 2016

Ms. Akilah Mance  
Counsel for the City of Dickinson  
Olson & Olson, LLP  
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2727 Allen Parkway  
Houston, Texas 77019-2133

OR2016-22210

Dear Ms. Mance:

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# 629080 (Ref. No. COD16-025).

The City of Dickinson (the "city"), which you represent, received a request for information pertaining to a specified incident report. You state you have released some information to the requestor. You claim the submitted information is excepted from disclosure under sections 552.101, 552.130, and 552.147 of the Government Code.<sup>1</sup> We have considered the exceptions you claim and reviewed the submitted information.

Initially, you state the requestor has agreed to the redaction of public citizens' dates of birth from the requested information. Thus, public citizens' dates of birth are not responsive to the present request. This ruling does not address the public availability of any information that is not responsive to the request, and the city is not required to release that information in response to the request.<sup>2</sup>

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<sup>1</sup>Although you do not cite section 552.130 of the Government Code in your brief, we understand the city to assert this exception based on the substance of your argument.

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

Next, we note the submitted responsive information includes a city police officer's body worn camera recording. Body worn cameras are subject to chapter 1701 of the Occupations Code. Chapter 1701 provides the procedures a requestor must follow when seeking a body worn camera recording. Section 1701.661(a) provides:

A member of the public is required to provide the following information when submitting a written request to a law enforcement agency for information recorded by a body worn camera:

- (1) the date and approximate time of the recording;
- (2) the specific location where the recording occurred; and
- (3) the name of one or more persons known to be a subject of the recording.

Occ. Code § 1701.661(a). In this instance, the requestor does not give the requisite information under section 1701.661(a). As the requestor did not properly request the body worn camera recording at issue pursuant to chapter 1701, our ruling does not reach this information and it need not be released. However, pursuant to section 1701.661(b), a "failure to provide all the information required by Subsection (a) to be part of a request for recorded information does not preclude the requestor from making a future request for the same recorded information." *Id.* § 1701.661(b).

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 video recordings we have indicated contain information subject to section 552.130. You state the city does not have the technological capability to redact the motor vehicle record information from the recordings at issue. Accordingly, the city must withhold the video recordings we have indicated in their entirety under section 552.130.<sup>3</sup> *See* Open Records Decision No. 364 (1983). However, you have failed to demonstrate the remaining video recording contains information subject to section 552.130. Thus, the city may not withhold the remaining video recording under section 552.130 of the Government Code.

Section 552.147 of the Government Code excepts from disclosure the social security number of a living person. Gov't Code § 552.147. Upon review, we find no portion of the remaining video recording contains social security numbers subject to section 552.147, and the city may not withhold the remaining video recording on that basis.

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<sup>3</sup>As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.

In summary, as the requestor did not properly request the body worn camera recording at issue pursuant to chapter 1701 of the Occupations Code, our ruling does not reach this information and it need not be released. The city must withhold the video recordings we have indicated in their entireties under section 552.130 of the Government Code. The city must release the remaining video recording.

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,



Meredith L. Coffman  
Assistant Attorney General  
Open Records Division

MLC/bw

Ref: ID# 629080

Enc. Submitted documents

c: Requestor  
(w/o enclosures)