



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 9, 2016

Lieutenant Joe Wisner
Waxahachie Police Department
216 North College Street
Waxahachie, Texas 75165

OR2016-27293

Dear Lt. Wisner:

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# 637498.

The Waxahachie Police Department (the "department") received a request for audio or video recordings related to a specified motor vehicle accident. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information made confidential by other statutes. We agree a portion of the submitted information includes a 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 the following:

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;

¹Although you do not raise section 552.101 of the Government Code in your brief, we understand you to assert this exception based on your arguments.

- (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 submitted body worn camera recording pursuant to chapter 1701, our ruling does not reach this information and the department is not required to release it. 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). Upon review, we find the remaining information does not consist of a police officer’s body worn camera recording. Therefore, the remaining information is not subject to section 1701.661 of the Occupations Code. Accordingly, we will consider if the remaining information is otherwise excepted under the Act.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator’s license, driver’s license, motor vehicle title or registration, or a personal identification document issued by an agency of this state or another state or country is excepted from public release.² Gov’t Code § 552.130. Upon review, we find the submitted dash camera recordings contain information subject to section 552.130. Accordingly, the department must withhold the discernible license plates in the dash camera recordings under section 552.130 of the Government Code.

In summary, as the requestor did not properly request the submitted body worn camera recording pursuant to chapter 1701, our ruling does not reach this information and the department is not required to release the submitted body worn camera recording. The department must withhold the discernible license plates in the dash camera recordings under section 552.130 of the Government Code. The remaining information must be released.

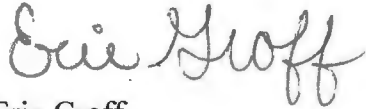
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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

²The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in cursive script that reads "Erin Groff".

Erin Groff
Assistant Attorney General
Open Records Division

EMG/som

Ref: ID# 637498

Enc. Submitted documents

c: Requestor
(w/o enclosures)