



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 21, 2017

Mr. Marc J. Schnall
Counsel for the City of Selma
Langley & Banack, Inc.
745 East Mulberry, Suite 900
San Antonio, Texas 78212-3166

OR2017-03797

Dear Mr. Schnall:

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# 646273.

The City of Selma (the "city"), which you represent, received a request for certain audio and video recordings pertaining to a specified citation. 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, you state the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2016-22121 (2016). In that ruling, we determined (1) pursuant to section 1701.661 of the Occupations Code, our ruling does not reach the body worn camera recording at issue, and it need not be released, and (2) the city must withhold the remaining video recording in its entirety under section 552.130 of the Government Code. In the instant request, the requestor properly requests the body worn camera recording. *See* Occ. Code § 1701.661(a). Therefore, the facts and circumstances have changed with respect to the body worn camera recording. Accordingly, the city may not rely on Open Records Letter No. 2016-22121 with respect to this information. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). However, we have no indication the law, facts, or circumstances on which the previous ruling was based have changed with respect to the remaining information at issue in Open Records Letter

No. 2016-22121. Accordingly, for the remaining information previously requested and ruled upon by this office, we conclude the city must rely on Open Records Letter No. 2016-22121 as a previous determination and withhold the information previously at issue in accordance with that ruling.¹ However, we will address your argument against disclosure of the submitted body worn camera recording.

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 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 the submitted body worn camera recording contains motor vehicle record information. You state the city lacks the technological capability to redact the confidential information in the video recording. Accordingly, the city must withhold the submitted body worn camera recording in its entirety under section 552.130 of the Government Code. *See* Open Records Decision No. 364 (1983).

In summary, the city must rely on Open Records Letter No. 2016-22121 as a previous determination and, excluding the body worn camera recording, withhold the information previously at issue in accordance with that ruling. The city must withhold the submitted body worn camera recording in its entirety under section 552.130 of the Government Code.

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,



Kenny Moreland
Assistant Attorney General
Open Records Division

KJM/sdk

¹As we are able to make this determination, we need not address your remaining argument against disclosure of this information.

Ref: ID# 646273

Enc. Submitted documents

c: Requestor
(w/o enclosures)