



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 29, 2017

Ms. Julie Pandya Doshier  
Counsel for the City of DeSoto  
Nichols, Jackson, Dillard, Hager & Smith, LLP  
1800 Ross Tower  
500 North Akard  
Dallas, Texas 75201

OR2017-06493

Dear Mr. Doshier:

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# 650946 (City Ref. No. #82749).

The City of DeSoto (the "city"), which you represent, received a request for information related to a specified incident. The city released information responsive to the request but made redactions as permitted by section 552.130 of the Government Code without requesting a decision from this office.<sup>1</sup> See Gov't Code § 552.130(c). Pursuant to section 552.130(d), the requestor has asked this office to review the information and render a decision as to whether it is excepted from disclosure under section 552.130. *Id.* § 552.130(d). We have considered the city's position and reviewed the submitted information.

Initially, we note portions of the submitted information consist of a peace officer's body worn camera recording. Body worn cameras are subject to chapter 1701 of the Occupations

---

<sup>1</sup>You state the city previously erroneously withheld 9-1-1 caller information in response to the instant request; you state the city has since released such information to the requestor.

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.<sup>2</sup> 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 excepts from disclosure information relating to a motor vehicle title or registration issued by an agency of this state or another state or country. Gov’t Code § 552.130(a)(2). We understand the city has determined the requestor has a right of access to some of the submitted motor vehicle record information the city previously withheld from the requestor and the city will release such information to this requestor. *See id.* § 552.023(b); Open Records Decision No. 481 at 4 (1987). Upon review, we find the city must withhold the remaining information you have marked 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.

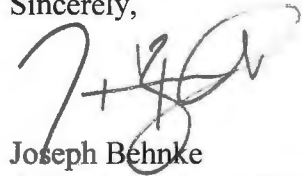
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at <http://www.texasattorneygeneral.gov/open/>

---

<sup>2</sup>As we are able to make this determination, we need not address the arguments against disclosure of this information.

[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,

A handwritten signature in black ink, appearing to read "J. Behnke", with a large, stylized flourish at the end.

Joseph Behnke  
Assistant Attorney General  
Open Records Division

JB/som

Ref: ID# 650946

Enc. Submitted documents

c: Requestor  
(w/o enclosures)