



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 5, 2017

Ms. Alexis G. Allen
Counsel for City of Seagoville
Nichols, Jackson, Dillard, Hager & Smith, LLP
500 North Akard, Suite 1800
Dallas, Texas 75201

OR2017-20140

Dear Ms. Allen:

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# 675664 (ORR# 87601).

The Seagoville Police Department (the "department"), which you represent, received a request for body camera video recordings pertaining to a specified incident. The department claims the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions the department claims and reviewed the submitted information.

Initially, we note the submitted information consists of 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 provides, in relevant part, the following:

(a) 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 provide the requisite information under section 1701.661(a) for a portion of the body camera video recording. As this portion of the body worn camera recording at issue was not properly requested pursuant to chapter 1701 of the Occupations Code, our ruling does not reach this information and it need not be released. However, we find the request includes the information required by section 1701.661(a) with respect to the remainder of the submitted video recording. *Id.* Accordingly, we find the requestor properly requested the remainder of the submitted body worn camera recording and we will address the department's argument against its disclosure.

Section 552.130 of the Government Code excepts from disclosure 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. The department asserts, and we agree, the responsive portion of the submitted video recording contains motor vehicle record information not belonging to the requestor that is excepted from disclosure under section 552.130. In this instance, the department states it does not possess the technological capability to redact information from video files. Thus, we agree the department must withhold the entirety of the properly-requested portion of the submitted video recording under section 552.130 of the Government Code.¹ *See* Open Records Decision No. 364 (1983).

In summary, the portion of the submitted body worn camera recording that was not properly requested pursuant to chapter 1701 of the Occupations Code need not be released. The department must withhold the remainder of the submitted video recording in its entirety under section 552.130 of the Government Code.

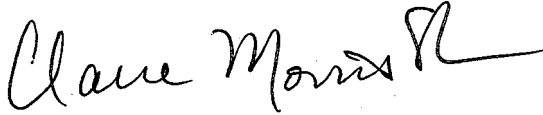
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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/>

¹As our ruling is dispositive, we need not address the remaining argument against disclosure of the submitted 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 that reads "Claire Morris Sloan". The signature is written in a cursive style with a long, sweeping horizontal line at the end.

Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/bw

Ref: ID# 675664

Enc. Submitted documents

c: Requestor
(w/o enclosures)