



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 19, 2017

Ms. Judith El Masri
Counsel for the City of Angleton
Randle Law Office, LTD., L.L.P.
820 Gessner, Suite 1570
Houston, Texas 77024-4494

OR2017-21372

Dear Ms. El Masri:

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# 676050.

The Angleton Police Department (the "department"), which you represent, received a request for nine categories of information pertaining to a specified incident. You indicate you released some information to the requestor. You further indicate you redacted information pursuant to section 552.130(c) of the Government Code.¹ You claim some of the submitted information is excepted from disclosure under section 552.130 of the Government Code.² We have considered the exception you claim and reviewed the submitted information.

Initially, we note a portion of the submitted information consists of officers' body worn camera recordings. Body worn cameras are subject to chapter 1701 of the Occupations

¹Section 552.130(c) of the Government Code allows a governmental body to redact the information described in section 552.130(a) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e).

²We note the department did not comply with section 552.301 of the Government Code in requesting a ruling from this office. *See* Gov't Code § 552.301(e). Nonetheless, because section 552.130 of the Government Code can provide a compelling reason to overcome the presumption of openness, we will consider its applicability to the submitted information. *See id.* §§ 552.007, .302, .352.

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 recordings at issue pursuant to chapter 1701, our ruling does not reach this information and it need not be released.³ 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). We note the requestor has a right of access to his client’s motor vehicle record information. *Id.* § 552.023(a) (person or person’s authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person’s privacy interests); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning herself). Upon review, we find the remaining video recordings contain visible motor record vehicle information that does not belong to the requestor’s client. You state the department does not have the technological capability to redact this information from the submitted video recordings. Accordingly, the department must withhold the remaining video recordings in their entirety under section 552.130 of the Government Code. Further, we note some of the remaining information is subject to section 552.130. However, we note the motor vehicle record information at issue may belong to the requestor’s client, and, as such, the requestor may have a right of access to such information. Because we are unable to determine whether the motor vehicle record

³As we are able to make this determination, we need not address the argument against disclosure of this information.

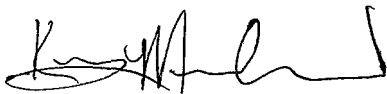
information at issue belongs to the requestor's client, we must rule conditionally. To the extent the motor vehicle record information at issue belongs to the requestor's client, the department must release it under section 552.023 of the Government Code. To the extent the motor vehicle record at issue does not belong to the requestor's client, the department must withhold the information you marked and we have marked under section 552.130 of the Government Code.

In summary, as the requestor did not properly request the body worn camera recordings at issue pursuant to chapter 1701 of the Occupations Code, our ruling does not reach this information, and the department need not release it in response to this request for information. The department must withhold the remaining video recordings in their entirety under section 552.130 of the Government Code. To the extent the motor vehicle record at issue does not belong to the requestor's client, the department must withhold the information you marked and we have marked under section 552.130 of the Government Code. The department must release the remaining information.

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/gw

Ref: ID# 676050

Enc. Submitted documents

c: Requestor
(w/o enclosures)