



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

October 23, 2017

Ms. Molly Cost  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR2017-24171

Dear Ms. Cost:

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# 681089 (PIR# 17-5761).

The Texas Department of Public Safety (the "department") received a request for a specified video recording. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

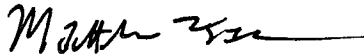
Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses section 411.00755(b) of the Government Code which states, in pertinent part, "The personnel records of a commissioned officer of the department may not be disclosed or otherwise made available to the public[.]" *Id.* § 411.00755(b). Thus, section 411.00755 excepts from disclosure the personnel records of commissioned department officers. Section 411.00755 defines a personnel record, in part, as "any letter memorandum, or document maintained by the department that relates to a commissioned officer of the department[.]" *Id.* § 411.00755(a). You state the submitted information consists of "a video taken by a private citizen that was obtained as part of an internal investigation." Thus, you state the information consists of a personnel record of a commissioned officer of the department that is subject to section 411.00755. You inform us the internal investigation did not result in disciplinary action. Upon review, we agree the

information at issue constitutes a personnel record of commissioned officer under section 411.00755(a)(1). There is no indication the information at issue contains the types of information listed in subsections 411.00755(b)(1)-(12), or that the release provisions in section 411.00755(c) are applicable. Therefore, the department must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 411.00755 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](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,



Matthew Taylor  
Assistant Attorney General  
Open Records Division

MHT/tdw

Ref: ID# 681089

Enc. Submitted documents

c: Requestor  
(w/o enclosures)