



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 21, 2017

Ms. Susan DeMeo
Legal Assistant
City of Georgetown
P.O. Box 409
Georgetown, Texas 78627-0409

OR2017-26649

Dear Ms. DeMeo:

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# 690835 (PIR Nos. G004674-102617 and G004688-103017).

The City of Georgetown (the "city") received two requests from the same requestor for reports and body worn camera recordings related to a specified incident. You state you have released some information to the requestor. You claim a portion of the submitted information was not properly requested under chapter 1701 of the Occupations Code. You claim a portion of the submitted information is excepted from disclosure under section 552.130 of the Government Code. We have considered your arguments and reviewed the submitted information.

Initially, we note the submitted information includes city police officers' body worn camera recordings. 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(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 first request does not give the requisite information under section 1701.661(a). As the first request did not properly request the body worn camera recording at issue pursuant to chapter 1701, our ruling does not reach the body worn camera recordings responsive to the first request and they need not be released in response to the first request. 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). As the second request did provide the requisite information under section 1701.661(a), we will address your arguments for the body worn camera recording responsive to the second request.

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. You state the city lacks the technological capability to redact the motor vehicle record information from the video recording responsive to the second request. Based on this representation, we conclude the city must withhold the video recording responsive to the second request in its entirety under section 552.130 of the Government Code. *See* Open Records Decision No. 364 (1983).

In summary, pursuant to section 1701.661(a) of the Occupations Code, the body worn camera recordings responsive to the first request were not properly requested by the first request pursuant to chapter 1701 of the Occupations Code and need not be released. The city must withhold the video recording responsive to the second request 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,

A handwritten signature in black ink, appearing to read "Tim Neal". The signature is fluid and cursive, with the first name "Tim" being more prominent than the last name "Neal".

Tim Neal
Assistant Attorney General
Open Records Division

TN/tdw

Ref: ID# 690835

Enc. Submitted documents

c: Requestor
(w/o enclosures)