



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

December 4, 2017

Mr. Marc J. Schnall  
Counsel for the City of Selma  
Langley & Banack, Inc.  
745 East Mulberry Avenue, Suite 900  
San Antonio, Texas 78212-3166

OR2017-27475

Dear Mr. Schnall:

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# 686208.

The City of Selma (the "city"), which you represent, received a request for information pertaining to a specified incident involving a named individual. You state the city will release some information. You claim some of the submitted information was not properly requested pursuant to section 1701.661 of the Occupations Code. You also claim the submitted information is excepted from disclosure under sections 552.130 and 552.147 of the Government Code. We have considered your arguments and reviewed the submitted information.

Initially, you note the submitted information includes a city police officer's body worn camera video 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(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 video recording at issue pursuant to chapter 1701, our ruling does not reach this information and it need not be released.<sup>1</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 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. Upon review, we find the remaining video recording contains motor vehicle record information. You state the city lacks the technological capability to redact the confidential information in the video recording. Accordingly, the city must withhold the remaining video recording in its entirety under section 552.130 of the Government Code.<sup>2</sup> *See* Open Records Decision No. 364 (1983).

In summary, pursuant to section 1701.661 of the Occupations Code, as the requestor did not properly request the body worn camera video recording at issue pursuant to chapter 1701 of the Occupations Code, our ruling does not reach this information, and the city need not release the submitted body camera video recording in response to this request for information. The city must withhold the remaining video recording in its entirety under section 552.130 of the Government Code.<sup>3</sup>

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.

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<sup>1</sup>As we are able to make this determination, we need not address your argument against disclosure of this information.

<sup>2</sup>As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.

<sup>3</sup>We also note, because the submitted information does not contain criminal history record information (“CHRI”) of the individual named in the request for information, we do not address whether the requestor has a right of access to CHRI under federal law. *See* 5 U.S.C. § 9101(b)(1), (c).

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,

A handwritten signature in black ink, appearing to read "Matthew Taylor", with a horizontal line extending to the right.

Matthew Taylor  
Assistant Attorney General  
Open Records Division

MHT/tdw

Ref: ID# 686208

Enc. Submitted documents

c: Requestor  
(w/o enclosures)