



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

February 26, 2019

Ms. Karen Stack  
Deputy City Secretary II  
City of Brenham  
P.O. Box 1059  
Brenham, Texas 77834-1059

OR2019-05425

Dear Ms. Stack:

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# 752104 (City ID# 18-12-7).

The City of Brenham (the "city") received a request for surveillance video from a specified location during a certain time period. You claim the submitted information is excepted from disclosure under section 552.124 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.124 of the Government Code provides in relevant part:

(a) A record of a library or library system, supported in whole or in part by public funds, that identifies or serves to identify a person who requested, obtained, or used a library material or service is excepted from [disclosure] unless the record is disclosed:

...

(2) under [s]ection 552.023[.]

...

(b) A record of a library system that is excepted from required disclosure under this section is confidential.

Gov't Code § 552.124(a)(2), (b); *see also* Open Records Decision No. 100 at 3 (1975) (identifying information of library patrons in connection with object of their attentions is confidential by constitutional law). Upon review, we agree the submitted video recordings reveal the identities of library patrons. We note, however, one of the library patrons in the videos may be the requestor. Section 552.023(a) of the Government Code provides, “[a] person or a 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.” Gov’t Code § 552.023(a). Pursuant to section 552.124(a)(2), the city may not withhold information subject to section 552.023 under section 552.124(a) of the Government Code. *See id.* §§ 552.023(a), .124(a)(2). However, you state the city does not have the technological capability to redact the images of the remaining patrons from the video recordings at issue. Accordingly, the city must withhold the submitted recordings in their entireties under section 552.124 of the Government Code. *See* Open Records Decision No. 364 (1983).

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,



Emily Kunst  
Assistant Attorney General  
Open Records Division

EK/gw

Ref: ID# 752104

Enc. Submitted documents

c: Requestor  
(w/o enclosures)