



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 27, 2019

Ms. Erin J. Onyon
Records Management Coordinator
City of Mansfield
1200 East Broad Street
Mansfield, Texas 76063

OR2019-05473

Dear Ms. Onyon:

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# 752261 (File No. 1470-2018).

The Mansfield Police Department (the "department") received a request for fourteen categories of information pertaining to a specified accident. You state you have released most of the responsive information to the requestor. You claim some of 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. The submitted information consists of video recordings from city police officers' body worn cameras. 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). Upon review, we find the requestor provided the information required by section 1701.661(a) of the Occupations Code for release of the submitted body worn camera recordings. We understand the recordings at issue were required to be made by law or the policies of the department and the recording relates to a law enforcement purpose. *See id.* § 1701.661(h). Further, we understand the recordings are or could be used as evidence in a criminal prosecution. *See id.* § 1701.661(d). Additionally, we have no indication the recordings document an incident that involves the use of deadly force by an officer or relate to an administrative or criminal investigation of an officer. *See id.* § 1701.660(a). However, section 1701.661(f) provides, in relevant part:

A law enforcement agency may not release any portion of a recording made in a private space . . . without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative.

Id. § 1701.661(f). Upon review, we agree one of the body worn camera recordings at issue was made in a private space. *See id.* § 1701.651(3) (defining "private space" for purposes of section 1701.661 (f)). The department states it does not have written authorization for release of the recording from the subject of the recording. *See id.* § 1701.661(f). Accordingly, the department must withhold the body worn camera recording at issue, which we have noted, under section 552.101 of the Government Code in conjunction with section 1701.661(f) of the Occupations Code.

Section 552.130 excepts from disclosure 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.¹ *See Gov't Code* § 552.130. Upon review, we find some of the submitted video recordings, which we have noted, contain motor vehicle record information that is excepted from disclosure under section 552.130. In this instance, you state the department does not possess the technological capability to redact information from video files. Thus, the department must withhold the video recordings containing motor vehicle record information, which we have noted, in their entireties under section 552.130 of the Government Code. *See Open Records Decision No. 364 (1983).*

¹The Office of the Attorney General will raise mandatory exceptions on behalf of a governmental body but ordinarily will not raise other exceptions. *See Open Records Decisions Nos. 481 (1987), 480 (1987), 470 (1987).*

In summary, the department must withhold the body worn camera recording you seek to withhold, which we have noted, under section 552.101 of the Government Code in conjunction with section 1701.661(f) of the Occupations Code. The department must withhold the video recordings containing motor vehicle record information, which we have noted, in their entirety under section 552.130 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, 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,



Lecelle Clarke
Attorney
Open Records Division

LC/eb

Ref: ID# 752261

Enc. Submitted documents

c: Requestor
(w/o enclosures)