



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 1, 2019

Ms. Stacie S. White  
Counsel for the City of Southlake  
Taylor, Olson, Adkins, Sralla & Elam, L. L. P.  
6000 Western Place, Suite 200  
Fort Worth, Texas 76107

OR2019-08778

Dear Ms. White:

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# 765215.

The City of Southlake (the "city"), which you represent, received a request for body-worn camera footage pertaining to a specified matter. The city claims the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception the city claims and reviewed the submitted information.

Initially, we note the requestor has requested only body-worn camera footage. Thus, any other information is not responsive to the instant request. This ruling does not address the public availability of non-responsive information, and the city need not release non-responsive information in response to the request.<sup>1</sup>

Generally, the Act authorizes the Office of the Attorney General to render decisions and opinions in two situations. The first occurs when a governmental body receives a written request for information from an individual or entity acting as a member of the public and requests a ruling from this office because the governmental body wishes to withhold responsive information in accordance with one of the Act's exceptions to disclosure.

---

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

See Gov't Code §§ 552.301, .306. The second situation occurs when this office issues "materials, including detailed and comprehensive written decisions and opinions, that relate to or are based on [the Act]" in order to "maintain uniformity in the application, operation, and interpretation of [the Act.]" *Id.* § 552.011.

The information at issue consists of a body worn camera 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 provides, in relevant part, the following:

(a) 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 of the Occupations Code, the city need not release such information.<sup>2</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.* We therefore consider this matter closed. If you have any questions with regard to this letter, please refer to ID# 765215.

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

---

<sup>2</sup>As we are able to make this determination, we need not address the city's argument against disclosure of this information.

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 'Jesse Harvey', written in a cursive style.

Jesse Harvey  
Assistant Attorney General  
Open Records Division

JH/jxd

Ref: ID# 765215

Enc. Submitted documents

c: Requestor  
(w/o enclosures)