



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 7, 2019

Mr. Robert L. Dillard, III
Counsel for City of University Park
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
500 North Akard, Suite 1800
Dallas, Texas 75201

OR2019-15182

Dear Mr. Dillard:

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# 769592 (Your File Reference # 106929).

The University Park Police Department (the "department"), which you represent, received a request for body worn and dashboard camera recordings of named police officers on a particular day, audio recordings and written transcripts of radio traffic during a particular period of time, as well as specified department guidelines. You state the department has released some information. You state the department does not have information responsive to a portion of the request.¹ You claim the submitted body worn camera recordings were not properly requested pursuant to chapter 1701 of the Occupations Code. Additionally, you claim the requested information is excepted from disclosure under section 552.130 of the Government Code. We have considered your arguments and reviewed the submitted representative sample of information.²

¹The Act does not require a governmental body to release information that did not exist when a request for information was received or to prepare new information in response to a request. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267-68 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 452 at 3 (1986), 362 at 2 (1983).

²We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records

You note, and we agree, the submitted information contains 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 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 recordings at issue pursuant to chapter 1701 of the Occupations Code, the department need not release such information.³ 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.*

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's or driver's license or permit, a motor vehicle title or registration, or a personal identification document issued by an agency of Texas or another state or country is excepted from public release. Gov't Code § 552.130(a). You state the requested dash camera recordings contain information subject to section 552.130. Further, you state the department does not have the technological capability to redact the motor vehicle record information from the recordings. Accordingly, the department must withhold the requested dash camera recordings at issue in their entireties under section 552.130. *See* Open Records Decision No. 364 (1983).

In summary, as the requestor did not properly request the body worn camera video recordings at issue pursuant to chapter 1701 of the Occupations Code, the department need not release

to the extent that those records contain substantially different types of information than that submitted to this office.

³As we are able to make this determination, we need not address your remaining argument against disclosure of the submitted information.

such information. The department must withhold the requested dash camera recordings at issue in their entireties 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 that reads "Erin Groff". The signature is written in a cursive, flowing style.

Erin Groff
Assistant Attorney General
Open Records Division

EMG/mo

Ref: ID# 769592

Enc. Submitted documents

c: Requestor
(w/o enclosures)