



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 8, 2019

Mr. Kevin Bailey
Assistant City Attorney
City of Midland
P.O. Box 1152
Midland, Texas 79702-1152

OR2019-28260

Re: Request for in-car/witness/police video, statements, photos re report 190625046;
06/25/19; ORR M027443-073119

Dear Mr. Bailey:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 792065 (ID# M027443-073119).

After reviewing your arguments and the submitted information, we have determined your request does not present a novel or complex issue.¹ Thus, we are addressing your claims in a memorandum opinion. In this instance, the requestor does not give the requisite information under section 1701.661(a) of the Occupations Code. As the requestor did not properly request the body worn camera recording(s) at issue pursuant to chapter 1701, our ruling does not reach this information and it need not be released. You claim the remaining information may be withheld from the requestor pursuant to section 552.108(a)(1) of the Government Code. Upon review of your arguments and the remaining information, we conclude you may withhold the remaining information under section 552.108(a)(1). However, you must release the basic information pursuant to section 552.108(c) of the Government Code.

¹We note the City of Midland (the "city") received an initial request for the same information from this requestor on July 9, 2019. In response to the initial request, the city informs us it released basic information to the requestor within five business days and withheld certain information under section 552.108(a)(1) of the Government Code, pursuant to the previous determination this office issued to the city in Open Records Letter No. 2016-26326(2016). Subsequently, the requestor made a second request for the same information on August 1, 2019.

For more information on the cited exception, please refer to the open government information on our website at <https://www.texasattorneygeneral.gov/open-government/governmental-bodies/open-records-memorandum-rulings>. You may also contact our Open Government Hotline at 1-877-OPENTEX.

Enc. Submitted documents

c: Requestor
(w/o enclosures)