



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

October 25, 2019

Ms. Nena Chima-Tetteh  
Assistant City Attorney  
Arlington Police Department  
Mail Stop 04-0200  
PO Box 1065  
Arlington, Texas 76004-1065

OR2019-30254

Dear Ms. Chima-Tetteh:

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# 800828 (ORR 86720).

The Arlington Police Department (the "department") received a request for information related to a specified motor vehicle collision. The department will release some information to the requestor. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code.<sup>1</sup> 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. This section encompasses information made confidential by other statutes. The department asserts the submitted information is confidential under section 1701.661 of the Occupations Code. *See* Occ. Code § 1701.661. However, section 1701.661 applies to body worn camera recordings. *See id.* § 1701.651(1)(B) ("Body worn camera" means a recording device that is ... worn on the person of a peace officer[.]") We find the submitted

---

<sup>1</sup> We note the department failed to comply with section 552.301 of the Government Code in requesting a ruling; however, section 552.101 of the Government Code can provide a compelling reason to withhold information sufficient to overcome the presumption of openness caused by a failure to comply with section 552.301. *See* Gov't Code §§ 552.301, .302. Accordingly, we will consider the department's argument.

information does not consist of body worn camera recordings for purposes of section 1701.661. Accordingly, we conclude the submitted information is not subject to section 1701.661 of the Occupations Code, and the department may not withhold any portion of it under section 552.101 of the Government Code on that basis. As it raises no other exceptions to disclosure, the department must release the submitted information.

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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Jesse Harvey  
Assistant Attorney General  
Open Records Division

JHI/be

Ref: ID# 800828

Enc. Submitted documents

c: Requestor  
(w/o enclosures)