



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 15, 2019

Mr. John B. Strong
Assistant City Attorney
City of Fort Worth
200 Texas Street, 3rd Floor
Fort Worth, Texas 76102-6311

OR2019-32357

Dear Mr. Strong:

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# 796801 (Ref. No. W090073).

The Fort Worth Police Department (the "department") received a request for fourteen points of information pertaining to a motor vehicle accident involving the requestor's client. You state the department has released some information to the requestor. You claim 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. This section encompasses information made confidential by other statutes. We note the submitted information contains video recordings from police officers' body worn cameras. Section 1701.661(a) of the Occupations Code states the information a requestor must provide when seeking a body worn camera recording. *See* Occ. Code § 1701.661(a). We note the requestor provides the requisite information for the body worn camera recordings at issue. However, section 1701.661(f) provides, in relevant part:

A law enforcement agency may not release any portion . . . of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, 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). You state the submitted body worn camera recordings pertain to the investigation of conduct that constitutes a misdemeanor punishable by fine only and which did not result in an arrest. You further state the department has not received a written authorization for release from all of the subjects of the recordings at issue. *See id.* Accordingly, the submitted body worn camera recordings are confidential and the department must withhold them in their entireties under section 552.101 of the Government Code in conjunction with section 1701.661(f) of the Occupations Code. We note the remaining information consists of a dashboard camera recording and a CR-3 accident report, which are not subject to chapter 1701 of the Occupations Code. Therefore, the department may not withhold the remaining information under section 552.101 of the Government Code on the basis of section 1701.661(f) of the Occupations Code.

Section 552.101 of the Government Code also encompasses information subject to chapter 550 of the Transportation Code. Section 550.065 applies only to a written report of an accident required under section 550.061, 550.062, or 601.004. *See* Transp. Code § 550.065(a)(1). Chapter 550 requires the creation of a written report when the accident resulted in injury to or the death of a person or damage to the property of any person to the apparent extent of \$1,000 or more. *Id.* §§ 550.061 (operator's accident report), .062 (officer's accident report). An accident report is privileged and for the confidential use of the Texas Department of Transportation or a local governmental agency of Texas that has use for the information for accident prevention purposes. *Id.* § 550.065(b). However, a governmental entity shall release an accident report in accordance with subsections (c) and (c-1). *Id.* § 550.065(c), (c-1). Section 550.065(c) provides a governmental entity shall release an accident report to a person or entity listed under this subsection. *Id.* § 550.065(c). As noted above, the remaining information includes a CR-3 accident report form. In this instance, the requestor represents a person involved in the accident at issue. *See id.* § 550.065(c)(4)(b). Thus, the requestor has a right of access to the CR-3 accident report and the department must release it to her pursuant to section 550.065(c) of the Transportation Code.

Section 552.130 of the Government Code excepts from public disclosure information relating to a motor vehicle operator's or driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country.¹ *See* Gov't Code § 552.130. Accordingly, the department must withhold all audible and visible license plates within the remaining recording at issue under section 552.130 of the Government Code.

¹ The 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 Decision Nos. 481 (1987), 480 (1987), 470 (1987).

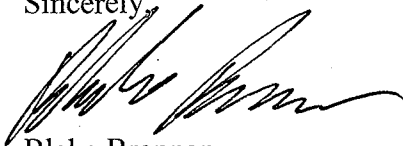
Section 552.136(b) of the Government Code provides, “[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a government body is confidential.” *Id.* § 552.136(b); *see id.* § 552.136(a) (defining “access device”). Upon review, we find the department must withhold the information we indicated under section 552.136 of the Government Code.

In summary, the department must: (1) withhold the submitted body worn camera recordings in their entirety under section 552.101 of the Government Code in conjunction with section 1701.661(f) of the Occupations Code; (2) release the CR-3 accident report to this requestor pursuant to section 550.065(c) of the Transportation Code; (3) withhold all audible and visible license plates within the remaining recording under section 552.130 of the Government Code; (4) withhold the information we indicated under section 552.136 of the Government Code; and (5) release the remaining 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,



Blake Brennan
Assistant Attorney General
Open Records Division

BBX/gw

Ref: ID# 796801

Enc. Submitted documents

c: Requestor
(w/o enclosures)