



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

July 7, 2020

Ms. Erin Higginbotham  
Counsel for the City of Hutto  
Borjorquez Law Firm, PC  
11675 Jollyville Road, Suite 300  
Austin, Texas 78759

OR2020-35383A

Dear Ms. Higginbotham:

This office issued Open Records Letter No. 2019-35383 (2019) on December 16, 2019. Since that date, we have received new information that affects the facts on which this ruling was based. Consequently, this decision serves as the corrected ruling and is a substitute for Open Records Letter No. 2019-35383. *See generally* Gov't Code § 552.011 (providing that Office of Attorney General may issue decision to maintain uniformity in application, operation, and interpretation of Public Information Act (the "Act"), chapter 552 of the Government Code). This ruling was assigned ID# 834827.

The City of Hutto (the "city"), which you represent, received a request for video recordings pertaining to a specified accident.<sup>1</sup> The city claims the requestor did not properly request the submitted body worn camera recordings pursuant to section 1701.661 of the Occupations Code. Additionally, the city claims the submitted information is excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the city's submitted arguments and reviewed the submitted information.

As previously noted, the submitted information includes 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:

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<sup>1</sup> The city provides documentation showing it sought and received clarification of the information requested. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also* *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

(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 provide the requisite information under section 1701.661(a). As the body worn camera recordings at issue were not properly requested pursuant to chapter 1701, our ruling does not reach this information and it need not be released.<sup>2</sup> However, pursuant to section 1701.661(b), a “failure to provide all the information required by [s]ubsection (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.* § 1701.661(b).

Section 552.130 of the Government Code provides information relating to a motor vehicle operator’s license, driver’s license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release. *See* Gov’t Code § 552.130. Upon review, we find the remaining video recording contains motor vehicle record information. In this instance, you state the city does not possess the technological capability to redact information from video files. Thus, we agree the city must withhold the remaining video recording in its entirety under section 552.130 of the Government Code.<sup>3</sup> *See* Open Records Decision No. 364 (1983).

In summary, as the submitted body worn camera recordings were not properly requested pursuant to chapter 1701, our ruling does not reach this information and it need not be released. The city must withhold the remaining video recording in its entirety 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 <https://www.texasattorneygeneral.gov/open->

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<sup>2</sup> As we are able to make this determination, we need not address the remaining arguments against disclosure of this information.

<sup>3</sup> As our ruling is dispositive, we need not address the remaining argument against disclosure of this information.

[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,

Gerald Arismendez  
Assistant Attorney General  
Open Records Division

GAA/eb

Ref: ID# 834827

Enc. Submitted documents

c: Requestor  
(w/o enclosures)