



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

December 18, 2019

Ms. Josi Diaz  
Assistant City Attorney  
City of Dallas  
Criminal Law and Police Unit  
1400 South Lamar, 6<sup>th</sup> Floor, 6W  
Dallas, Texas 75215

OR2019-35729

Re: Request for Case# 181322-2019 & 181296-2019; ORR# D028787

Dear Ms. Diaz:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 805802.

After reviewing your arguments and the submitted information, we have determined your request does not present a novel or complex issue. 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 information you have marked may be withheld from public disclosure pursuant to section 552.108(a)(1) of the Government Code on behalf of another law enforcement agency with a law enforcement interest.<sup>1</sup> Further, you inform this office the other law enforcement agency objects to the disclosure of the information because it relates to an ongoing criminal case and release would interfere with the case. Thus, we conclude you may withhold the information you have marked pursuant to section 552.108(a)(1) on behalf of the other law enforcement agency. We agree you must withhold the marked motor vehicle record information in accordance with section 552.130 of the Government Code. The remaining information must be released.

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<sup>1</sup>We note you did not comply with section 552.301 of the Government Code in requesting this decision. *See* Gov't Code § 552.301(e). Nonetheless, the need of a governmental body, other than the governmental body that failed to timely seek an open records decision, to withhold information under section 552.108 of the Government Code can provide a compelling reason sufficient to overcome the presumption of openness. *See* Open Records Decision No. 586 (1991).

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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)