



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 20, 2019

Mr. Thomas L. McMillian
Assistant City Attorney
City of Amarillo
200 SE Third Avenue, 4th Floor
Amarillo, Texas 79101

OR2019-36175

Re: Request for all investigative material re 19-511684 including photos, statements, body/dash cam videos, reconstruction findings, 911 calls, etc. (Req# 19-2695)

Dear Mr. McMillian:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 805232 (Request 19-2695).

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, we find you must release the DIC-24 Statutory Warning and the DIC-25 Notice of Suspension. In releasing the DIC-24 and DIC-25 forms, you must withhold the driver license information under section 552.130 of the Government Code and the date of birth pursuant to section 552.101 of the Government Code in conjunction with common-law privacy. *Paxton v. City of Dallas*, No. 03-13-00546-CV,

¹ We note the Amarillo Police Department (the "department") received an initial request for the same information from this requestor on July 15, 2019. In response to the initial request, the department 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 department in Open Records Letter No. 2019-05295 (2019). Subsequently, the requestor made a second request for the same information on October 18, 2019.

2015 WL 3394061, at *3 (Tex. App.—Austin May 22, 2015, pet. denied) (mem. op.). Upon review of your arguments and the remaining information, we conclude you may withhold the remaining information under section 552.108(a)(1). However, as you acknowledge, you must release the basic information pursuant to section 552.108(c) of the Government Code.

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)