



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 18, 2020

Ms. Erin J. Onyon
Records Management Coordinator
City of Mansfield
1200 East Broad Street
Mansfield, Texas 76063

OR2020-04930

Dear Ms. Onyon:

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# 812167 (File# 1623-2019).

The City of Mansfield (the "city") received a request for the event report and body worn camera recordings related to a specified incident. You state the city has released some information. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code.¹ 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. The submitted information consists of police officers' body worn camera video 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(a) provides:

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

¹ Although the city does not cite to section 552.101 of the Government Code in its brief to this office, we understand it to raise section 552.101 based on the substance of its arguments.

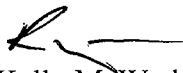
(3) the name of one or more persons known to be a subject of the recording.

Occ. Code § 1701.661(a). The requestor provided the information required by section 1701.661(a) of the Occupations Code for the submitted body worn camera recordings. We note, however, section 1701.661(f) provides, in relevant part, “A law enforcement agency may not release any portion of a recording made in a private space . . . 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). Upon review, we find portions of the submitted information were made in a private space. *See id.* § 1701.651(3) (defining “private space” for purposes of section 1701.661(f)). The city states it does not have written authorization for release from all of the subjects of the portions of the recordings at issue. *See id.* § 1701.661(f). The city further explains it does not possess the technological capability to redact information from video files. Accordingly, the city must withhold the submitted video recordings in their entireties under section 552.101 of the Government Code in conjunction with section 1701.661(f) of the Occupations Code. *See* Open Records Decision No. 364 (1983).

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,



Kelly McWethy
Assistant Attorney General
Open Records Division

KM/jxd

Ref: ID# 812167

Enc. Submitted documents

c: Requestor
(w/o enclosures)