



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 4, 2020

Ms. Maria C. Ponce
HPD Administrative Supervisor
Houston Police Department
1200 Travis Street, 10th Floor
Houston, Texas 77002-6000

OR2020-06745

Dear Ms. Ponce:

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# 814709 (OR# 19-12899).

The Houston Police Department (the "department") received a request for recordings, police report, field notes, and any other information pertaining to a specified incident. The department claims the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

Initially, we note the submitted information consists of a body worn camera recording of a police officer. 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 the following:

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). The requestor does not give the requisite information under section 1701.661(a). As the requestor did not properly request the body worn camera

recording at issue pursuant to chapter 1701, our ruling does not reach this information and the department is not required to release it. However, pursuant to section 1701.661(b), a “failure to provide all the information required by Subsection (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).


Next, we note the department did not submit any other information responsive to the request. Thus, we find the submitted information is not representative of the other types of information to which the requestor seeks access. Please be advised, this open records letter ruling applies only to the type of information the department has submitted for our review. This ruling does not authorize the department to withhold any information that is substantially different from the type of information the department submitted to this office. *See Gov’t Code* § 552.302. Accordingly, to the extent any information responsive to the remainder of the request for information existed in the possession of the department when it received the request, we assume the department has released that information to the requestor. *See Open Records Decision No. 664 (2000)* (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible). If the department has not released any such information, it must do so at this time. *See Gov’t Code* §§ 552.301(a), .302.

In summary, because the requestor did not properly request the submitted body worn camera recording pursuant to chapter 1701 of the Occupations Code, our ruling does not reach the body worn camera recording at issue and the department is not required to release it. The department must release any other information that is responsive to the request for 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,


James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/rm

Ms. Maria C. Ponce - Page 3

Ref: ID# 814709

Enc. Submitted documents

c: Requestor
(w/o enclosures)