



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 15, 2020

Ms. Audrea Hutson
Open Records
Williamson County Sheriff's Office
508 South Rock Street
Georgetown, Texas 78626

OR2020-17634

Dear Ms. Hutson:

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# 835863.

The Williamson County Sheriff's Office (the "sheriff's office") received a request for information related to a specified incident. You state the sheriff's office will redact dates of birth pursuant to the previous determination issued in Open Records Letter No. 2016-21706 (2016).¹ You claim the submitted body worn camera recordings were not properly requested pursuant to section 1701.661 of the Occupations Code. You further claim the submitted information is excepted from disclosure under sections 552.101, 552.1175, 552.130, 552.136, and 552.152 of the Government Code.² We have considered the submitted arguments and reviewed the submitted information.

Initially, we note the submitted information includes police officers' body worn camera recordings. Body worn cameras are subject to chapter 1701 of the Occupations Code.

¹ Open Records Letter No. 2016-21706 authorizes the sheriff's office to withhold dates of birth of members of the public under section 552.101 of the Government Code in conjunction with common-law privacy without the necessity of requesting an attorney general's decision. *See* Open Records Decision No. 673 at 7-8 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code).

² Although you also raise section 552.117 of the Government Code, we note section 552.1175 of the Government Code is the proper exception to raise for information not held in an employment context.

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:

(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.³ 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 some of the remaining video recordings contain motor vehicle record information subject to section 552.130. You state the sheriff’s office lacks the technological capability to redact information from the video recordings at issue. Accordingly, the sheriff’s office must withhold the motor vehicle record information you marked, the additional information we indicated, and the video recordings we indicated in their entireties under section 552.130 of the Government Code.⁴ *See* Open Records Decision No. 364 (1983).

Section 552.1175 of the Government Code protects the home address, home telephone number, emergency contact information, date of birth, social security number, and family member information of certain individuals, when that information is held by a governmental body in a non-employment capacity and the individual elects to keep the information confidential. Gov’t Code § 552.1175. Accordingly, to the extent the information we have marked pertains to an individual who is subject to section 552.1175(a) and who elects to restrict access to the information in accordance with section 552.1175(b) of the Government Code, the sheriff’s office must withhold this information under section

³ As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information.

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552.1175 of the Government Code. Conversely, to the extent the individual whose information is at issue is not subject to section 552.1175(a) or does not elect to restrict access to his information in accordance with subsection 552.1175(b), then this information may not be withheld under section 552.1175 of the Government Code.

Section 552.152 of the Government Code provides:

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from the requirements of Section 552.021 if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm.

Id. § 552.152. You inform us the information you indicated identifies undercover deputies of the sheriff's office. You assert release of the deputies' identities would place the deputies at risk and subject the deputies to a substantial threat of physical harm. Therefore, we find section 552.152 is applicable to some of the remaining information at issue. Accordingly, the sheriff's office must withhold the identities of undercover deputies you marked under section 552.152 of the Government Code.

In summary, as the requestor did not properly request the body worn camera recordings at issue pursuant to chapter 1701 of the Occupations Code, our ruling does not reach this information and it need not be released. The sheriff's office must withhold the motor vehicle record information you marked, the additional information we indicated, and the video recordings we indicated in their entireties under section 552.130 of the Government Code. To the extent the information we have marked pertains to an individual who is subject to section 552.1175(a) and who elects to restrict access to the information in accordance with section 552.1175(b) of the Government Code, the sheriff's office must withhold this information under section 552.1175 of the Government Code. The sheriff's office must withhold the identities of undercover deputies you marked under section 552.152 of the Government Code. The sheriff's office must release the remaining 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,

Sean McCormick
Assistant Attorney General
Open Records Division

SMC/mo

Ref: ID# 835863.

Enc. Submitted documents

c: Requestor
(w/o enclosures)