



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 1, 2022

Mr. Christopher Duncan  
Counsel for the City of Freeport  
Duncan Law Firm  
104 West Myrtle, Suite 218  
Angleton, Texas 77515

OR2022-06225

Dear Mr. Duncan:

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# 933019.

The Freeport Police Department (the "department") received a request for information pertaining to a specified incident involving the requestor's client. You claim the submitted information is excepted from disclosure under section 552.1085 of the Government Code. We have considered the exception you claim 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. 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
- (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 of the Occupations Code, our ruling does not reach this information and the department need not release it.<sup>1</sup> 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).

Next, we note the remainder of the information at issue was the subject of a previous request for a ruling, in response to which this office issued Open Records Letter No. 2021-27531 (2021). In that ruling, we determined the department must: (1) release the accident report pursuant to section 550.065(c) of the Transportation Code; (2) withhold certain information under section 552.1085(c) of the Government Code; (3) withhold certain information under section 552.101 of the Government Code in conjunction with common-law privacy; (4) withhold certain motor vehicle record information under section 552.130 of the Government Code; and (5) must release the remaining information. We have no indication the law, facts, and circumstances on which the prior ruling was based have changed. Thus, the department must continue to rely on Open Records Letter No. 2021-27531 as a previous determination and withhold or release the remainder of the information at issue in accordance with that ruling.<sup>2</sup> *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

In summary, as the submitted body worn camera recordings were not properly requested pursuant to section 1701.661(a) of the Occupations Code, our ruling does not reach this information and the department need not release it. The department must continue to rely on Open Records Letter No. 2021-27531 as a previous determination and withhold or release the remainder of the information at issue in accordance with that ruling.

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

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<sup>1</sup> As we are able to make this determination, we need not address your argument against disclosure of this information.

<sup>2</sup> As we are able to make this determination, we need not address your argument against disclosure of this information.

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,

Blake Brennan  
Assistant Attorney General  
Open Records Division

BBX/mo

Ref: ID# 933019

c: Requestor