



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 17, 2022

Ms. Judy Hickman
Assistant Supervisor
City of Beaumont
P.O. Box 3827
Beaumont, Texas 77704

OR2022-14054

Dear Ms. Hickman:

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# 948199.

The City of Beaumont (the "city") received a request for information pertaining to a specified accident involving the requestor's client. You claim the submitted information is excepted from disclosure under section 552.130 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

Initially, we note the submitted information contains a city police officer's body worn camera recording. 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;

¹ We note the city did not comply with section 552.301 of the Government Code in requesting a ruling from this office. *See* Gov't Code § 552.301(b), (e). Nonetheless, because the exception the city claims can provide a compelling reason to overcome the presumption of openness, we will consider its applicability to the submitted information. *See id.* §§ 552.007, .302, .352.

- (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, we are not able to determine whether the requestor provided the requisite information under section 1701.661(a) for the requested body worn camera recording at issue. Thus, we rule in the alternative. To the extent the requestor did not give the requisite information pursuant to section 1701.661(a) for the submitted body worn camera recording, the requestor did not properly request the body worn camera recording pursuant to chapter 1701 of the Occupations Code. In that instance, our ruling does not reach such information and the city need not release it.² 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). To the extent the requestor did provide the requisite information under section 1701.661(a) for the submitted body worn camera recording at issue, we will consider your arguments against disclosure of the submitted information.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator’s or driver’s license or permit, a motor vehicle title or registration, or a personal identification document issued by an agency of Texas or another state or country is excepted from public release. Gov’t Code § 552.130(a). Upon review, we find the submitted video recording contains information subject to section 552.130. You state the city does not have the technological capability to redact the motor vehicle record information from the recording. Accordingly, the city must withhold the submitted recording in its entirety under section 552.130. *See* Open Records Decision No. 364 (1983).

In summary, to the extent the requestor did not give the requisite information pursuant to section 1701.661(a) of the Occupations Code for the requested body worn camera recordings at issue, our ruling does not reach such information and the city need not release it. To the extent the requestor did provide the requisite information under section 1701.661(a) for the submitted body worn camera recording at issue, the city must withhold the submitted recording in its entirety under section 552.130. The remaining information must be released.

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.

² In that instance, as we are able to make this determination, we need not address your arguments against disclosure of this information.

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,

Paige Lay
Assistant Attorney General
Open Records Division

PL/jxd

Ref: ID# 948199

c: Requestor