



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 23, 2022

Mr. Raphael Antonio Garza  
Counsel for the City of Angleton  
Randle Law Office LTD., L.L.P.  
Memorial City Plaza II  
820 Gessner, Suite 1570  
Houston, Texas 77024-4494

OR2022-17911

Dear Mr. Garza:

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# 955152.

The Angleton Police Department (the "department"), which you represent, received a request for body worn camera recordings and dashcam recordings pertaining to a specified incident. You claim some of the submitted information was not properly requested pursuant to section 1701.661 of the Occupations Code. You also claim the submitted information is excepted from disclosure under sections 552.103 and 552.130 of the Government Code. We have considered the submitted arguments and reviewed the submitted information.

Initially, we note some of the submitted information is not responsive to the instant request for information because it does not consist of body worn camera recordings or dashboard camera recordings. This ruling does not address the public availability of any information that is not responsive to the request, and the department is not required to release such information in response to this request.<sup>1</sup>

---

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

Initially, we note the submitted information includes a 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 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 recording at issue was not properly requested pursuant to chapter 1701 of the Occupations Code, our ruling does not reach this information and it need not be released.<sup>2</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).

Section 552.130 of the Government Code excepts from public disclosure 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. *See* Gov't Code § 552.130. Upon review, we find the remaining information, which consists of video recordings, contains motor vehicle record information subject to section 552.130. You state the department lacks the technological capability to redact the confidential information in the submitted video recordings. Accordingly, the department must withhold the remaining responsive information under section 552.130 of the Government Code.<sup>3</sup> *See* Open Records Decision No. 364 (1983).

In summary, the submitted body worn camera recording was not properly requested pursuant to chapter 1701 of the Occupations Code, and it need not be released. The department must withhold the remaining responsive information under section 552.130 of the Government Code.

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.

---

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

<sup>3</sup> As our ruling is dispositive, we need not address the remaining argument 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,

D. Michelle Case  
Assistant Attorney General  
Open Records Division

DMH/jm

Ref: ID# 955152

Enc. Submitted documents

c: Requestor  
(w/o enclosures)