



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 1, 2022

Mr. Samuel R. Jimison  
Assistant City Attorney  
City of Corpus Christi  
P.O. Box 9277  
Corpus Christi, Texas 78469-9277

OR2022-22616

Dear Mr. Jimison:

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# 962480 (Ref. No. LRam14).

The Corpus Christi Police Department (the "department") received a request for police reports and video footage pertaining to three encounters during two specified dates. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 of the Government Code also encompasses information made confidential by other statutes. The submitted information consists of a recording from a police officer's body worn camera. Body worn cameras are subject to chapter 1701 of the Occupations Code. Section 1701.661(a) of the Occupations Code states the information a requestor must provide when seeking a body worn camera recording. *See* Occ. Code § 1701.661(a). We note the requestor provides the requisite information for the body worn camera recordings at issue. However, section 1701.661(f) of the Occupations Code provides, in relevant part:

A law enforcement agency may not release any portion of a recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization from the person who is the subject of

that portion of the recording or, if the person is deceased, from the person's authorized representative.

*Id.* §1701.661(f). You state the submitted body camera recording involves an investigation of conduct that constitutes a misdemeanor punishable by fine only and which did not result in an arrest. Upon review, we note the requestor is one of the subjects of the recording. Thus, we find the requestor has consented to the release of the recording for purposes of section (f) and the department may not withhold the entirety of the recording under section 552.101 of the Government Code in conjunction with section 1701.661(f) of the Occupations Code. However, portions of the recording involve another subject and based upon your representation, we understand you have not received written authorization for release from the remaining subject. Accordingly, the department must withhold the portions of the submitted body worn camera recording that involve the remaining subject of the recording from the requestor under section 552.101 of the Government Code in conjunction with section 1701.661(f) of the Occupations Code.

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. We note section 552.130 protects personal privacy. Accordingly, the requestor has a right of access to his motor vehicle record information under section 552.023 of the Government Code and it may not be withheld from him under section 552.130. *See id.* 552.023(a) (governmental body may not deny access to person to whom information relates to person's agent on ground that information is considered confidential by privacy principles); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individuals request information concerning themselves). Accordingly, except for the motor vehicle record information belonging to the requestor, the department must withhold all audible and visible license plates and registration stickers under section 552.130 of the Government Code.

In summary, the department must withhold the portions of the video depicting the subject who is not the requestor under section 552.101 of the Government Code in conjunction with section 1701.661(f) of the Occupations Code. Except for the motor vehicle record information belonging to the requestor, the department must withhold all audible and visible license plates and registration stickers under section 552.130 of the Government Code. The department 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,

Justin H. Miller  
Attorney  
Open Records Division

JHM/eb

Ref: ID# 962480

Enc. Submitted documents

c: Requestor  
(w/o enclosures)