



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 5, 2022

Ms. Derenda Rush
Records Division
Amarillo Police Department
200 Southeast Third Avenue, Fourth Floor
Amarillo, Texas 79101-1514

OR2022-23266

Dear Ms. Rush:

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# 964562 (Ref. No. 22-1517).

The Amarillo Police Department (the "department") received a request for information pertaining to a specified motor vehicle accident. The department claims the submitted information is excepted from disclosure under section 552.101 of the Government Code.¹ We have considered the claimed exception 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 encompasses information made confidential by other statutes. 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) provides, in relevant part, as follows:

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

¹ Although the department asks this office to issue a previous determination permitting it to withhold certain body worn camera recordings under section 552.101 of the Government Code in conjunction with section 1701.661(f) of the Occupations Code without requesting a ruling from this office, we note we granted such a previous determination to the department in Open Records Letter No. OR2022-20765 (2022).

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). The department states the submitted recordings pertain to the investigation of conduct that constitutes a misdemeanor punishable by fine only and which did not result in arrest. The department informs us it has not received written authorization for release from all of the subjects of the recordings. *See id.* Accordingly, we find the department must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 1701.661(f) of the Occupations 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.

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,

Katie Stallcup
Assistant Attorney General
Open Records Division

AKS/jxd

Ref: ID# 964562

Enc. Submitted documents

c: Requestor
(w/o enclosures)