



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 19, 2022

Ms. Lisa Reyes
Records Division
Brownsville Police Department
600 East Jackson Street
Brownsville, Texas 78521

OR2021-24849

Dear Ms. Reyes:

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# 964940.

The Brownsville Police Department (the "department") received a request for information pertaining to a specified incident. You state the department withheld information as permitted by section 552.136(c) of the Government Code without requesting a decision from this office. Pursuant to section 552.136(d), the requestor has asked this office to review the information redacted by the city and render a decision as to whether it is excepted from disclosure under section 552.136(b) of the Government Code. We understand the department also claims submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the department's position and reviewed the 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 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). We understand the submitted recording pertains 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 recording. *See id.* Accordingly, we find the department must withhold the submitted recording under section 552.101 of the Government Code in conjunction with section 1701.661(f) of the Occupations Code.¹

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,

Jahna Ward
Assistant Attorney General
Open Records Division

JW/mo

Ref: ID# 964940

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹ As our ruling is dispositive, we need not address your argument against disclosure of this information.