



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 26, 2022

Ms. Sara Casares
Administrative Specialist
Records Division
Edinburg Police Department
1702 South Closner Boulevard
Edinburg, Texas 78539

OR2022-26022

Dear Ms. Casares:

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# 968644 (Ref. No. 158423).

The Edinburg Police Department (the "department") received a request for information pertaining to a specified incident, including reports, affidavits, photographs, and video recordings. 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 552.101 and 552.130 of the Government Code. We have considered your arguments and reviewed the submitted information.

Initially, we note the department has only submitted body worn camera recordings pertaining to the incident specified in the present request. To the extent any additional information responsive to the request existed on the date the department received the present request, we assume the department has already released it. If the department has not released any such information, it must do so at this time. *See Gov't Code §§ 552.301(a), .302; see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

Next, as noted above, the submitted information consists of police officers' body worn camera recordings. 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;
- (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) for two of the submitted body worn camera recordings, which we have indicated. As the body worn camera recordings we have indicated were not properly requested pursuant to section 1701.661(a) of the Occupations Code, our ruling does not reach this information and the department need not release it.¹ 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). We note the requestor provided the information required by section 1701.661(a) of the Occupations Code for release of the remaining body worn camera recordings. Thus, we will consider your arguments against disclosure of the remaining body worn camera recordings at issue.

Section 552.130 of the Government Code excepts from public disclosure information relating to a motor vehicle operator’s or 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.* We note section 552.130 is designed to protect the privacy of individuals. Thus, the requestor has a right of access to his own motor vehicle record information, and it may not be withheld from him under section 552.130. *See id.* § 552.023 (person or person’s authorized representative has special right of access to records that contain information relating to the person that are protected from public disclosure by laws intended to protect that person’s privacy interests); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself). Upon review, we note the remaining video recordings at issue contain audible and visible motor vehicle record information subject to section 552.130 that pertains to individuals other than the requestor. You state the department lacks the technological capability to redact the information subject to section 552.130 from the video recordings at issue. Based upon this representation, we agree the department must withhold the remaining video recordings in their entirety under section 552.130 of the Government Code.² *See Open Records Decision No. 364 (1983).*

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

² As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.

In summary, as the body worn camera recordings we have indicated were not properly requested pursuant to section 1701.661(a) of the Occupations Code, our ruling does not reach this information and the department need not release it. The department must withhold the remaining video recordings in their entireties 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.

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,

Blake Brennan
Assistant Attorney General
Open Records Division

BBX/jm

Ref: ID# 968644

Enc. Submitted documents

c: Requestor
(w/o enclosures)