



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 29, 2022

Ms. T. Trisha Dang  
Senior Assistant City Attorney  
City of Sugar Land  
2700 Town Center Boulevard North  
Sugar Land, Texas 77479-0110

OR2022-26179

Dear Ms. Dang:

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# 968933 (Reference No. W014473).

The City of Sugar Land (the "city") received a request for video recordings for a specified incident.<sup>1</sup> You claim some of the submitted information was not properly requested pursuant to section 1701.661 of the Occupations Code. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered your arguments and reviewed the submitted information.

You note the submitted information includes 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:

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<sup>1</sup> The city states it sought and received clarification of the information requested. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

- (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). You state the requestor does not give the requisite information under section 1701.661(a) for one of the recordings at issue. However, we note the requestor has provided the requisite information under section 1701.661(a) for the body worn camera recordings at issue. Accordingly, we will consider the city's remaining arguments against disclosure of this information.

Section 552.101 of the Government Code exempts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes, such as section 58.008 of the Family Code, which provides, in part:

(b) Except as provided by Subsection (c), law enforcement records concerning a child and information concerning a child that are stored by electronic means or otherwise from which a record could be generated may not be disclosed to the public and shall be:

- (1) if maintained on paper or microfilm, kept separate from adult records;
- (2) if maintained electronically in the same computer system as adult records, accessible only under controls that are separate and distinct from the controls to access electronic data concerning adults; and
- (3) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subsection (c) or Subchapter B, D, or E.

...

(d) Law enforcement records concerning a child may be inspected or copied by:

...

- (4) the child's parent or guardian[.]

...

(e) Before a child or a child's parent or guardian may inspect or copy a record concerning the child under Subsection (d), the custodian of the record shall redact:

- (1) any personally identifiable information about a juvenile suspect, offender, victim, or witness who is not the child; and
- (2) any information that is excepted from required disclosure under [the Act] or any other law.

Fam. Code § 58.008(b), (d)(4), (e)(2); *see id.* § 51.03(a)-(b) (defining “delinquent conduct” and “conduct indicating a need for supervision” for purposes of title 3 of Family Code). Section 58.008(b) is applicable to records of juvenile conduct that occurred before, on, or after September 1, 2017. *See* Act of May 28, 2017, 85th Leg., R.S., S.B. 1304, § 22. The juvenile must have been at least 10 years old and less than 17 years of age when the conduct occurred. *See* Fam. Code § 51.02(2) (defining “child” for purposes of title 3 of Family Code). We find the submitted information involves juvenile offenders, so as to fall within the scope of section 58.008(b). However, the requestor is the stepparent of one of the juvenile suspects. We are unable to determine, however, whether the requestor is the juvenile suspect’s parent or guardian, so as to have a right to inspect law enforcement records concerning the juvenile pursuant to section 58.008(d). *See id.* § 58.008(d). Therefore, we must rule conditionally. To the extent the requestor is not a parent or legal guardian of the juvenile suspect at issue, then the city must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 58.008(b) of the Family Code. To the extent the requestor is a parent or legal guardian of the juvenile suspect at issue, then the city may not withhold the submitted information in its entirety on that ground. However, section 58.008(e)(1) provides any personally identifiable information about a juvenile suspect, offender, victim, or witness who is not the requestor’s child must be redacted. *See id.* § 58.008(e)(1). Accordingly, the city must withhold the portions of the video recordings depicting the remaining juvenile offenders who are not the requestor’s child under section 552.101 of the Government Code in conjunction with section 58.008(e)(1) of the Family Code. Section 58.008(e)(2) provides information that is subject to any other exception to disclosure under the Act or other law must be redacted. *See id.* § 58.008(e)(2). Thus, in the event the requestor has access to the information pursuant to section 58.008(d), we will consider whether the remaining information is otherwise excepted from disclosure.

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.<sup>2</sup> *See* Gov’t Code § 552.130. We note section 552.130 protects personal privacy. Therefore, the requestor has a right of access to his own motor vehicle record information pursuant to section 552.023 of the Government Code and it may not be withheld from him under section 552.130. *See id.* § 552.023(a) (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

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<sup>2</sup> The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

that person's privacy interests); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individuals request information concerning themselves). Upon review, we find the submitted video recordings contain motor vehicle record information subject to section 552.130. Accordingly, with the exception of the motor vehicle record information belonging to the requestor, the city must withhold the visible license plates and registration stickers under section 552.130 of the Government Code.

In summary, to the extent the requestor is not a parent or legal guardian of the juvenile suspect at issue, then the city must withhold the submitted information in its entirety under section 552.101 of the Government Code in conjunction with section 58.008(b) of the Family Code. To the extent the requestor is a parent or legal guardian of the juvenile suspect at issue, then the city must: (1) withhold the portions of the video recordings depicting the juvenile offenders who are not the requestor's child under section 552.101 of the Government Code in conjunction with section 58.008(e)(1) of the Family Code; (2) with the exception of the motor vehicle record information belonging to the requestor, withhold the visible license plates and registration stickers under section 552.130 of the Government Code; and (3) release the remaining information to this requestor.<sup>3</sup>

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,

Cesar Mata  
Attorney  
Open Records Division

CM/mo

Ref: ID# 968933

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>3</sup> To the extent the requestor has a special right of access to the information, if the city receives another request for this same information from a different requestor, the city must again seek a ruling from this office.