



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 6, 2022

Mr. J. Joel Tovanche  
Assistant City Attorney  
City of Fort Worth  
200 Texas Street, 3rd Floor  
Fort Worth, Texas 76102

OR2022-27012

Dear Mr. Tovanche:

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# 970520 (COFW PIR No. E003512-061422).

The City of Fort Worth (the "city") received a request for dashboard camera recordings, body worn camera recordings, photographs, and test results pertaining to a specified case number. The city claims the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception the city claims and reviewed the submitted information.

Initially, we note the city has only submitted certain photographs. To the extent any information responsive to the remaining portions of the request existed on the date the city received the request, we assume the city has released it. If the city has not released any such information, it must do so at this time. *See id.* §§ 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).

Section 552.101 of the Government Code excepts from public 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, such as section 143.090 of the Local Government Code. The city states it is a civil service city under chapter 143 of the Local Government Code. Section 143.090 provides as follows:

A department, [the Fire Fighters' and Police Officers' Civil Service Commission], or municipality may not release a photograph that depicts a police officer unless:

- (1) the officer has been charged with an offense by indictment or by information;
- (2) the officer is a party in a civil service hearing or a case before a hearing examiner or in arbitration;
- (3) the photograph is introduced as evidence in a judicial proceeding; or
- (4) the officer gives written consent to the release of the photograph.

Local Gov't Code § 143.090. The city states the submitted information consists of photographs that depict police officers. We understand the police officers depicted in the photographs at issue have not provided the city with written consent regarding the release of the photographs. Additionally, we have no indication any of the remaining exceptions under section 143.090 are applicable. Accordingly, the city must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 143.090 of the Local Government Code.<sup>1</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,

Gerald A. Arismendez  
Assistant Attorney General  
Open Records Division

GAA/jm

---

<sup>1</sup> We note because the information at issue does not contain criminal history record information ("CHRI") for the individual at issue in the request, we do not address whether the requestor has a right of access to CHRI under section 411.100 of the Government Code. See Gov't Code § 411.100(a).

Mr. J. Joel Tovanche - Page 3

Ref: ID# 970520

Enc. Submitted documents

c: Requestor  
(w/o enclosures)