



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

October 31, 2022

Ms. Holly Voth  
Assistant City Attorney  
City of San Angelo  
72 West College Avenue  
San Angelo, Texas 76903

OR2022-33618

Dear Ms. Voth:

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# 981543 (File Nos. P004336, P004430, and P004375).

The San Angelo Police Department (the "department") received three requests from different requestors for information pertaining to a specified incident.<sup>1</sup> We understand you will release some information to the requestors. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim 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. 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 provides, in relevant part, as follows:

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<sup>1</sup> We note the department sought and received clarification of the information requested with respect to third request. See Gov't Code § 552.222 (if request for information is unclear, governmental body may ask requestor to clarify request); see also *City of Dallas v. Abbott*, 304 S.W.2d 380, 387 (Tex. 2010) (if governmental entity, acting in good faith, requests clarification of unclear or over-broad request, ten-day period to request attorney general ruling is measured from date request is clarified).

(a) 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). We note the second requestor does not provide the requisite information for the submitted body worn camera recordings. We also note the first and third requestors do not provide the requisite information under section 1701.661(a) for some of the body worn camera recordings, which we indicated. As this information was not properly requested pursuant to chapter 1701 of the Occupations Code, our ruling does not reach this information and it need not be released to the requestors.<sup>2</sup> However, pursuant to section 1701.661(b), a “failure to provide all the information required by Subsection (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 first and third requestors include the information required by section 1701.661(a) with respect to the remaining body worn camera recordings. *Id.* § 1701.661(a). Accordingly, we find the first and third requestors properly requested the remaining body worn camera recordings, which we indicated, and we will address the department’s argument against the disclosure of this information. Section 1701.661(f) of the Occupations Code provides, in relevant part, as follows:

A law enforcement agency may not release any portion . . . 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). The department states the remaining information pertains to the investigation of conduct that constitutes a misdemeanor punishable by fine only and which did not result in an arrest. The department also states 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 information we indicated from the first and third requestors under section 552.101 of the Government Code in conjunction with section 1701.661(f) of the Occupations Code. We note, however, the remaining video recordings do not consist of body worn camera video recordings and are not subject to section 1701.661 of the Occupations Code. Therefore, the department may not withhold any portion of the remaining video recordings under section 552.101 on that basis.

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<sup>2</sup> As we are able to make this determination, we need not address the argument against disclosure of this information.

Section 552.130 of the Government Code exempts from public disclosure 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.<sup>3</sup> See Gov't Code § 552.130. Accordingly, the department must withhold all visible license plates and registration stickers under section 552.130 of the Government Code.

In summary, as the information we indicated was not properly requested pursuant to chapter 1701 of the Occupations Code, our ruling does not reach this information and it need not be released to the requestors. The department must withhold the information we indicated from the first and third requestors under section 552.101 of the Government Code in conjunction with section 1701.661(f) of the Occupations Code. The department must withhold all visible license plates and registration stickers under section 552.130 of the Government Code. The department must release the remaining information.

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,

Kimbell Kesling  
Assistant Attorney General  
Open Records Division

KK/pt

Ref: ID# 981543

Enc. Submitted documents

c: 3 Requestors  
(w/o enclosures)

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<sup>3</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).