



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 1, 2025

Ms. Andrea Phillips
Assistant City Attorney
City of Fort Worth
100 Fort Worth Trail
Fort Worth, Texas 78102

OR2025-042657

Dear Ms. Phillips:

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# 25-043329 (Reference No. E006854-091725).

The City of Fort Worth (the "city") received a request for information pertaining to a specified accident. You state the city will release some information. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

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. This section encompasses information made confidential by other statutes. Body worn cameras are subject to chapter 2B of the Code of Criminal Procedure. Article 2B.0112(a) states the information a requestor must provide when seeking a body worn camera recording. *See* Crim. Proc. Code art. 2B.0112(a). The requestor provided the information required by article 2B.0112(a) for release of the body worn camera recordings. However, article 2B.0112(f) provides 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.

¹ We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

Id. art. 2B.0112(f). The city states the submitted body worn camera recording involves an investigation of conduct that constitutes a misdemeanor punishable by fine only and did not result in arrest. The city further states it does not have permission for release from all of the subjects of the recording at issue. *See id.* Based on these representations, we conclude the city must withhold the submitted body worn camera recording under section 552.101 of the Government Code in conjunction with article 2B.0112(f) of the Code of Criminal Procedure.

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 the doctrine of common-law privacy, which protects information that is (1) highly intimate or embarrassing, the publication of which would be highly objectionable to a reasonable person, and (2) not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. *Id.* at 681-82. Types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation*. *Id.* at 683. This office has also concluded some kinds of medical information are generally highly intimate or embarrassing. *See* Open Records Decision No. 455 (1987). Upon review, we find portions of the remaining information satisfy the standard articulated by the Texas Supreme Court in *Industrial Foundation*. Thus, the city must withhold the information you indicated under section 552.101 of the Government Code in conjunction with common-law privacy.

In summary, the city must withhold the submitted body worn camera recording under section 552.101 of the Government Code in conjunction with article 2B.0112(f) of the Code of Criminal Procedure. The city must withhold the information you indicated under section 552.101 of the Government Code in conjunction with common-law privacy. The city must release the remaining information.

The city also asks this office to issue a previous determination that would permit it to withhold certain body worn camera recordings under section 552.101 of the Government Code in conjunction with article 2B.0112(f) of the Code of Criminal Procedure without requesting a ruling from this office. *See* Gov’t Code § 552.301(a) (allowing governmental body to withhold information subject to previous determination); Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). After due consideration, we have decided to grant your request on this matter. Therefore, this letter ruling authorizes the city to withhold properly requested body worn camera recordings pertaining to the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest in circumstances when the city has not received written authorization for release from all of the subjects of the recording, or if the person is deceased, from the person’s authorized representative. So long as the elements of law, fact, and circumstances do not change so as to no longer support the findings set forth above, the city need not ask for a decision from this office again with respect to this type of information. *See* ORD 673 at 7-8.

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/jxd

Ref: ID# 25-043329

c: Requestor