



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 9, 2026

Ms. Derenda Rush  
Records Division  
Amarillo Police Department  
200 Southeast Third Avenue  
Amarillo, Texas 79101-1514

OR2026-009186

Dear Ms. Rush:

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# 26-005007 (ORR# 25-21117).

The Amarillo Police Department (the "department") received a request for information pertaining to a specified incident involving the requestor. 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. 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.

*Id.* art. 2B.0112(f). The department states the submitted body worn camera recordings involve an investigation of conduct that constitutes a misdemeanor punishable by fine only and did not result in arrest. The department 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 department must withhold the submitted 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. The department must release the remaining information.<sup>1</sup>

The department 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 department 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 department 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 department 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,

Joseph Hoggatt  
Assistant Attorney General  
Open Records Division

JWH/jxd

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<sup>1</sup> We note the requestor has a right of access to some of the information being released in this instance. *See* Gov't Code § 552.023(a) (governmental body may not deny access to person to whom information relates or person's agent on ground that information is considered confidential by privacy principles); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individuals request information concerning themselves). Thus, if the department receives another request for the same information from a different requestor, the department must again seek a decision from this office.

Ref: ID# 26-005007

Enc. Submitted documents

c: Requestor  
(w/o enclosures)