



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 9, 2026

Mr. Joshua J. Stephens
Assistant City Attorney
City of Waco
P.O. Box 2570
Waco, Texas 76702-2570

OR2026-009257

Dear Mr. Stephens:

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# 26-006223 (ORR# LGL 25-485; WQA 100384).

The Waco Police Department (the "department") received a request for information pertaining to a specified incident involving the requestor's client. 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 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:

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.

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 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

Ref: ID# 26-006223

c: Requestor