



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 6, 2026

Ms. Josi Diaz  
Assistant City Attorney  
City of Dallas  
1400 Botham Jean  
Dallas, Texas 75215

OR2026-013747

Dear Ms. Diaz:

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# 26-010948 (Ref. No. D000706-010826).

The Dallas Police Department (the "department") received a request for body worn camera recordings, dash-mounted camera recordings, and the police report pertaining to a specified incident. 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.

Initially, we note you have only submitted body worn camera recordings pertaining to the specified incident. Additionally, you do not inform us the department has released any information. Please be advised, this open records letter ruling applies only to the types of information the department has submitted for our review. This ruling does not authorize the department to withhold any information that is substantially different from the types of information you submitted to this office. *See* Gov't Code § 552.302 (where request for attorney general decision does not comply with requirements of Gov't Code § 552.301, information at issue is presumed to be public). Accordingly, to the extent any information responsive to the remaining portions of the request existed on the date the department received the request, we assume the department has released it to the requestor. If the department 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 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 recordings 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.

You also ask this office to issue a previous determination that would permit the department 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,

Justin H. Miller  
Assistant Attorney General  
Open Records Division

JHM/pt

Ref: ID# 26-010948

c: Requestor