



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 14, 2011

Ms. Elaine Nicholson
Assistant City Attorney
City of Austin
P.O. Box 1088
Austin, Texas 78767-1088

OR2011-16707

Dear Ms. Nicholson:

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# 435994.

The City of Austin (the "city") received a request for specified Twin Oaks Library security camera recordings recorded during a specified time period. You claim the submitted security camera recordings are excepted from disclosure under section 552.124 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.124 of the Government Code provides in relevant part:

(a) A record of a library or library system, supported in whole or in part by public funds, that identifies or serves to identify a person who requested, obtained, or used a library material or service is excepted from [disclosure] unless the record is disclosed:

...

(2) under [s]ection 552.023[.]

...

(b) A record of a library system that is excepted from required disclosure under this section is confidential.

Gov't Code § 552.124(a)(2), (b); *see also* Open Records Decision No. 100 at 3 (1975) (identifying information of library patrons in connection with object of their attentions is confidential by constitutional law). Upon review, we agree the submitted recordings reveal the identities of library patrons. We note, however, the requestor may be one of the library patrons whose image was captured on these recordings. Section 552.023(a) of the Government Code provides, “[a] person or a person’s authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person’s privacy interests.” Gov’t Code § 552.023(a). Pursuant to section 552.124(a)(2), the city may not withhold information subject to section 552.023 under section 552.124(a) of the Government Code. *See id.* § 552.124(a)(2). Accordingly, the city must release any of the recordings that reveal the requestor’s image.¹ However, in releasing any of the recordings, the city must withhold the images of the remaining library patrons under section 552.124 of the Government Code.

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 http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free at (888) 672-6787.

Sincerely,



Kenneth Leland Conyer
Assistant Attorney General
Open Records Division

KLC/agn

¹If the city receives another request for this particular information from a different requestor, then the city should again seek a decision from this office.

Ref: ID# 435994

Enc. Submitted documents

c: Requestor
(w/o enclosures)