



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 30, 2016

Ms. Elise Maloney
Senior Records Coordinator
The Colony Police Department
5151 North Colony Boulevard
The Colony, Texas 75056

OR2016-19652

Dear Ms. Maloney:

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# 624797.

The Colony Police Department (the "department") received a request for the dashboard camera and body-worn camera records related to a specified traffic stop. The city released information responsive to the request but made redactions as permitted by section 552.130 of the Government Code without requesting a decision from this office. Gov't Code § 552.130(a). Pursuant to section 552.130(c), the requestor has asked this office to review the information and render a decision as to whether it is excepted from disclosure under section 552.130(a) of the Government Code. *See id.* § 552.130(c)–(e). We have considered the department's position and reviewed the information.

Initially, we note the requested information includes recordings from a police officers' body-worn camera. Body-worn cameras are subject to chapter 1701 of the Occupations Code. Chapter 1701 provides the procedures a requestor must follow when seeking a body-worn camera recording. Section 1701.661 provides:

(a) A member of the public is required to provide the following information when submitting a written request to a law enforcement agency for information recorded by a body worn camera:

(1) the date and approximate time of the recording;

- (2) the specific location where the recording occurred; and
- (3) the name of one or more persons known to be a subject of the recording.

Occ. Code § 1701.661(a). In this instance, the requestor does not provide the required information under section 1701.661(a). As the body worn camera recording at issue was not properly requested pursuant to chapter 1701 of the Occupations Code, our ruling does not reach this information and it need not be released. However, pursuant to section 1701.661 (b), a “failure to provide all the information required by [s]ubsection (a) to be part of a request for recorded information does not preclude the requestor from making a future request for the same recorded information.” *Id.* § 1701.661(b).

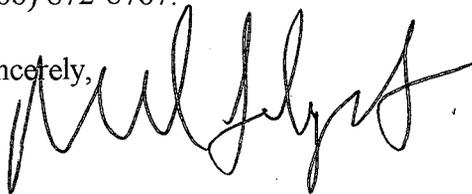
Section 552.130 of the Government Code exempts from disclosure information relating to a motor vehicle operator’s or driver’s license or permit, a motor vehicle title or registration, or a personal identification document issued by an agency of this state or another state or country. Gov’t Code § 552.130(a). Upon review, we agree the department must withhold the information it withheld under section 552.130 of the Government Code.

In summary, the department need not release the body-worn camera recording in response to this request. The department must withhold the information it withheld under section 552.130 of the Government Code. The department must release the remaining information.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Neal Falgoust
Assistant Attorney General
Open Records Division

NF/bhf

Ref: ID# 624797

Enc. Submitted documents

c: Requestor
(w/o enclosures)