



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 27, 2009

Mr. K. Jefferson Bray  
Senior Legal Advisor  
City of Plano Police Department  
P.O. Box 860358  
Plano, Texas 75086-0358

OR2009-15238

Dear Mr. Bray:

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# 359647.

The Plano Police Department (the "department") received a request for the police video tapes pertaining to a specified incident. You state you have released one videotape to the requestor. You claim that the submitted video tape is excepted from disclosure under section 552.1175 of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Section 552.1175 of the Government Code provides in part:

(a) This section applies only to:

(1) peace officers as defined by Article 2.12, Code of Criminal Procedure;

...

---

<sup>1</sup>Although you raise section 552.117 of the Government Code for a portion of the submitted video, we note that section 552.1175 of the Government Code is the proper exception to raise in this instance because the department does not hold the submitted information in an employment capacity.

(b) Information that relates to the home address, home telephone number, or social security number of an individual to whom this section applies, or that reveals whether the individual has family members is confidential and may not be disclosed to the public under this chapter if the individual to whom the information relates:

- (1) chooses to restrict public access to the information; and
- (2) notifies the governmental body of the individual's choice on a form provided by the governmental body, accompanied by evidence of the individual's status.

Gov't Code § 552.1175(a), (b). A portion of the submitted video consists of information pertaining to a department police officer. You inform this office that the officer at issue has elected to keep his information confidential in accordance with subsections 552.1175(b)(1) and (2). Accordingly, pursuant to section 552.1175, the department must withhold the portion of the video that relates to personal information of the officer at issue. As you state that the department lacks the technical capability to redact this information from the submitted video, the video must be withheld in its entirety. *See* Open Records Decision No. 364 (1983).

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](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,



Adam Leiber  
Assistant Attorney General  
Open Records Division

ACL/rl

Ref: ID# 359647

Enc. Submitted documents

c: Requestor  
(w/o enclosures)