



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

October 28, 2015

Mr. Robert J. Davis  
Counsel for the Collin County Constable, Precinct 3  
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Dallas, Texas 75251

OR2015-22605

Dear Mr. Davis:

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# 585008 (File No. 1600/66030).

The Collin County Constable Precinct 3 (the "constable's office"), which you represent, received a request for the body camera and dash camera video recordings pertaining to a specified incident. You argue pursuant to section 552.028 of the Government Code, the constable's office need not comply with the request for information. In the alternative, you claim the submitted information is excepted from disclosure under section 552.103 of the Government Code. We have considered the submitted arguments and reviewed the submitted information.

Section 552.028 of the Government Code provides, in relevant part:

(a) A governmental body is not required to accept or comply with a request for information from:

(1) an individual who is imprisoned or confined in a correctional facility; or

(2) an agent of that individual, other than that individual's attorney when the attorney is requesting information that is subject to disclosure under [the Act].

(b) This section does not prohibit a governmental body from disclosing to an individual described by Subsection (a)(1), or that individual's agent, information held by the governmental body pertaining to that individual.

Gov't Code § 552.028(a)-(b). You state the requestor was not incarcerated at the time of the request. Upon review, we find you have failed to demonstrate the request for information was submitted by an individual, or an agent of an individual, who is imprisoned or confined in a correctional facility. Thus, section 552.028 is not applicable in this instance. Accordingly, we will consider your remaining argument.

Next, we note you have not submitted information responsive to the portion of the request seeking dash camera video recordings. To the extent information responsive to this portion of the request existed and was maintained by the constable's office on the date the constable's office received the request, we assume the constable's office has released it. If the constable's office has not released any such information, it must do so at this time. *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).

Next, we note the submitted information consists of constables' body worn camera recordings. 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(a) provides:

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.

Act of May 30, 2015, 84th Leg., R.S., ch. 1134, § 1, 2015 Tex. Sess. Law Serv. 3818, 3820 (Vernon) (to be codified at Occ. Code § 1701.661(a)). In this instance, the requestor does not give the requisite information under section 1701.661(a). As the requestor did not properly request the body worn camera recordings at issue pursuant to chapter 1701, our

ruling does not reach this information and it need not be released.<sup>1</sup> However, pursuant to section 1701.661(b), a “failure to provide all the information required by Subsection (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.*

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](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,



Kenny Moreland  
Assistant Attorney General  
Open Records Division

KJM/som

Ref: ID# 585008

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>1</sup>As we are able to make this determination, we need not address your remaining argument against disclosure of the submitted information.