



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

September 12, 2016

Ms. Linda Hight  
Records Coordinator  
City of Cleburne  
P.O. Box 677  
Cleburne, Texas 76033

OR2016-20540

Dear Ms. Hight:

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# 626113.

The City of Cleburne (the "city") received a request for the body worn camera and in-car camera video recordings associated with a specified incident. You claim the submitted information is subject to section 1701.661 of the Occupations Code. We have considered your argument and reviewed the submitted information.

Initially, we agree some of the submitted information includes a city police officer's body worn camera recording. 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.

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 recording at issue pursuant to chapter 1701, 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 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.* § 1701.661(b). We also note section 1701.661 is only applicable to body worn camera video recordings; thus, the submitted in-car camera video recordings are not subject to section 1701.661. Accordingly, we will consider if the in-car camera video recordings are otherwise excepted under the Act.

Section 552.1175 of the Government Code protects the home address, home telephone number, emergency contact information, date of birth, social security number, and family member information of certain individuals, when that information is held by a governmental body in a non-employment capacity and the individual elects to keep the information confidential.<sup>1</sup> *See* Gov’t Code § 552.1175. We note section 552.1175 is also applicable to personal cellular telephone numbers, provided the cellular telephone service is not paid by a governmental body. *See* *See* Open Records Decision No. 506 at 5-6 (1988) (section 552.117 not applicable to cellular telephone numbers paid for by governmental body and intended for official use). The city must withhold the information we have indicated under section 552.1175 if the individual whose information is at issue is a licensed peace officer, he elects to restrict access to this information in accordance with section 552.1175(b) of the Government Code, and the cellular telephone service was not paid for by a governmental body.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator’s license, driver’s license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release. *See id.* § 552.130. Upon review, we find portions of the submitted information consist of motor vehicle record information. We note the requestor has a right of access to his own motor vehicle record information pursuant to section 552.023 of the Government Code and it may not be withheld from him under section 552.130. *See id.* § 552.023(a) (person or person’s authorized representative has special right of access to records that contain information relating to the person that are protected from public disclosure by laws intended to protect that person’s privacy interests); ORD 481 at 4 (privacy theories not implicated when individuals request information concerning themselves).

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<sup>1</sup>The Office of the Attorney General will raise mandatory exceptions on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480(1987), 470 (1987).

Accordingly, the city must withhold all discernible motor vehicle record information, including the information we have indicated, which does not pertain to the requestor within the audio and video portions of the submitted video recordings, under section 552.130 of the Government Code.

Section 552.136(b) of the Government Code provides, “[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.” Gov’t Code § 552.136(b); *see id.* § 552.136(a) (defining “access device”). This office has concluded insurance policy numbers constitute access device numbers for purposes of section 552.136. We note the requestor has a right of access to his own insurance policy number. *See id.* § 552.023; ORD 481 at 4. Thus, the city must withhold the insurance policy number that does not belong to the requestor, which we have indicated under section 552.136 of the Government Code.

In summary, our ruling does not reach the submitted body worn camera recording pursuant to chapter 1701, and it need not be released to the requestor. The city must withhold the information we have indicated under section 552.1175 of the Government Code if the individual whose information is at issue is a licensed peace officer, he elects to restrict access to this information in accordance with section 552.1175(b) of the Government Code, and the cellular telephone service was not paid for by a governmental body. The city must withhold all discernible motor vehicle record information, including the information we have indicated, which does not pertain to the requestor within the audio and video portions of the submitted video recordings, under section 552.130 of the Government Code. The city must withhold the insurance policy number we have indicated under section 552.136 of the Government Code. The city must release the remaining information to this requestor.<sup>2</sup>

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

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<sup>2</sup>We note the requestor has a right of access to some of the information being released in this instance. *See* Gov’t Code § 552.023(a) (governmental body may not deny access to person to whom information relates or person’s agent on ground that information is considered confidential by privacy principles); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individuals request information concerning themselves).

providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Behnke', with a long horizontal flourish extending to the right.

Joseph Behnke  
Assistant Attorney General  
Open Records Division

JB/som

Ref: ID# 626113

Enc. Submitted documents

c: Requestor  
(w/o enclosures)