



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 25, 2026

Mr. Timothy Holmes
Assistant District Attorney
Brazoria County Criminal District Attorney's Office
237 East Locust, Suite 305
Angleton, Texas 77515

OR2026-042857

Dear Mr. Holmes:

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# 26-055413 (Reference Number 26-2275).

The Brazoria County Sheriff's Office (the "sheriff's office") received a request for information pertaining to a specified incident. You state you will release some information to the requestor. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information made confidential by other statutes. The submitted information consists of a body worn camera recording. Body worn cameras are subject to chapter 2B of the Code of Criminal Procedure.² Article 2B.0112(a)

¹ We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

² Please note subchapter N of chapter 1701 of the Occupations Code was repealed and recodified in subchapter C of chapter 2B of the Code of Criminal Procedure as of January 1, 2025. *See* Act of May 23, 2023, 88 Leg., R.S., H.B. 4504, §§ 1.001, 3.001(7), 4.003. As such, we will address the recodified articles governing body worn camera recordings found in the Code of Criminal Procedure.

states the information a requestor must provide when seeking a body worn camera recording. *See* Crim. Proc. Code art. 2B.0112(a). The requestor provided the information required by article 2B.0112(a) for release of the body worn camera recording at issue. However, we note article 2B.0112(c) and article 2B.0112(d) provide as follows:

(c) Except as provided by Subsection (d), information recorded by a body worn camera and held by a law enforcement agency under this subchapter is not subject to the requirements of Section 552.021, Government Code.

(d) Information that is or could be used as evidence in a criminal prosecution is subject to the requirement of Section 552.021, Government Code.

Id. art. 2B.0112(c)-(d). The sheriff's office states the information at issue relates to an incident that was not criminal in nature. Further, the sheriff's office states the body worn camera recording will not be used as evidence in a criminal prosecution. Based upon these representations and our review, we agree the sheriff's office must withhold the submitted information under section 552.101 of the Government Code in conjunction with 2B.0112(c) of the Code of Criminal Procedure.³

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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Kimbell Kesling
Assistant Attorney General
Open Records Division

KK/ss

Ref: ID# 26-055413

c: Requestor

³ As our ruling is dispositive, we need not address the remaining argument against disclosure of the submitted information.