



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 3, 2026

Mr. J. Eric Magee
Counsel for Colorado County
Allison, Bass & Magee, L.L.P.
1301 Nueces Street, Suite 201
Austin, Texas 78701

OR2026-023014

Dear Mr. Magee:

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# 26-022995.

The Colorado County Sheriff's Department (the "department"), which you represent, received a request for audio and video recordings pertaining to a named individual during a specified period of time. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.103 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹ 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).

Initially, we note some of the submitted audio recordings were the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2026-017060 (2026). In that ruling, we determined the department may withhold the submitted audio recordings under section 552.103 of the Government Code. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, the department may rely on Open Records Letter No. 2026-017060 as a previous determination and withhold the identical information in accordance with that ruling.² *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of

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 those records contain substantially different types of information than that submitted to this office.

² As we are able to make this determination, we need not address your arguments against disclosure of this information.

previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

Next, we must address the procedural obligations of the department under section 552.301 of the Government Code, which prescribes the procedures that a governmental body must follow in asking this office to decide whether requested information is excepted from public disclosure. Pursuant to section 552.301(b), a governmental body must ask for a decision from this office and state the specific exceptions that apply within ten business days of receiving the written request. Gov't Code § 552.301(b). The department received the request for information on March 9, 2026. This office only counts business days as provided by section 552.0031 of the Government Code. *Id.* § 552.0031 (defining “business day” for purposes of the Act). Thus, the ten-business-day deadline of the city under section 552.301(b) was March 23, 2026. However, the envelope containing the initial request for a ruling from this office does not have a postmark and the city has not otherwise provided proof of the date the envelope was placed in the mail. *See id.* § 552.308 (describing rules for calculating submission dates of documents sent via first class United States mail). Therefore, we find the department has failed to establish it complied with the procedural requirements mandated by section 552.301.

Pursuant to section 552.302 of the Government Code, a governmental body’s failure to comply with the procedural requirements of section 552.301 results in the legal presumption that the requested information is public and must be released unless there is a compelling reason to withhold the information from disclosure. *See id.* § 552.302; *Simmons v. Kuzmich*, 166 S.W.3d 342 (Tex. App.—Fort Worth 2005, no pet.); *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381-82 (Tex. App.—Austin 1990, no writ). Because section 552.101 of the Government Code can provide a compelling reason to overcome the presumption of openness, we will address the applicability of this section to the information at issue. However, we find the department has failed to establish a compelling reason to address its remaining claimed exception.

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. This exception encompasses information other statutes make confidential. You claim section 552.101 in conjunction with section 418.182 of the Government Code, which was added to chapter 418 of the Government Code as part of the Texas Homeland Security Act (the “HSA”). Section 418.182 provides, in part:

- (a) [I]nformation . . . in the possession of a governmental entity is confidential if the information relates to the specifications, operating procedures, or location of a security system used to protect public or private property from an act of terrorism or related criminal activity or a hostile act by a foreign adversary of the United States.

Id. § 418.182(a). The fact that information may generally be related to a security system does not make the information *per se* confidential under section 418.182. *See* Open Records Decision No. 649 at 3 (1996) (language of confidentiality provision controls scope

of its protection). Furthermore, the mere recitation by a governmental body of a statute's key terms is not sufficient to demonstrate the applicability of a claimed provision. As with any confidentiality provision, a governmental body asserting section 418.182 must adequately explain how the responsive information falls within the scope of the statute. *See* Gov't Code § 552.301(e)(1)(A) (governmental body must explain how claimed exception to disclosure applies).

You argue the submitted videos are confidential under section 418.182 of the Government Code. You state the information at issue consists of video recordings from inside areas of the county jail and identify multiple security cameras and camera locations. Based on your representations and our review, we conclude the submitted recordings relate to the specifications, operating procedures, or location of a security system used to protect public property from an act of terrorism or related criminal activity or a hostile act by a foreign adversary of the United States. *See Tex. Dep't of Pub. Safety v. Abbott*, 310 S.W.3d 670 (Tex. App.—Austin 2010, no pet.) (recorded images necessarily relate to specifications of security system that recorded them, and thus, are confidential under section 418.182). Accordingly, the department must withhold the submitted videos under section 552.101 of the Government Code in conjunction with section 418.182(a) of the Government Code.

In summary, the department may rely on Open Records Letter No. 2026-017060 as a previous determination and withhold the identical information in accordance with that ruling. The department must withhold the submitted videos under section 552.101 of the Government Code in conjunction with section 418.182(a) of the Government Code.

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,

Paige Lay
Assistant Attorney General
Open Records Division

PL/sb

Ref: ID# 26-022995

c: Requestor