

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 21-015

RESPONDENT: Wood County Justice of the Peace, Precinct 2

DATE: September 20, 2021

SPECIAL COMMITTEE: Judge Stephen B. Ables, Chairman; Judge Olen Underwood; Judge Ray Wheless; Judge Susan Brown; Judge Billy Ray Stubblefield

Petitioner requested from Respondent copies of recordings from security cameras located in the Wood County Sub Courthouse. Respondent denied Petitioner's request asserting that it was confidential under Rule 12.5(b), *Security Plans*, and Rule 12.5(i), *Information Confidential Under Other Law*. Petitioner then filed this appeal and requested expedited review. We did not grant Petitioner's request for expedited review.

Rule 12.5(i) exempts from disclosure any judicial record that is confidential or exempt from disclosure under a state or federal constitutional provision, statute, or common law. Respondent asserts that the requested information is exempt from disclosure under Rule 12.5(i) because it is confidential under Texas Government Code Section 418.182. Section 418.182 makes confidential information that is "in the possession of a governmental entity that 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." Respondent maintains that: 1) the requested information comes from security cameras that are an integral part of the overall courthouse security system used to protect the courthouse from criminal activities including acts of terrorism, and 2) that the recordings from the cameras relate to the specifications of the system because they identify the technical details of particular vulnerabilities of the security system such as the cameras' clarity, range, angle, precision, whether the cameras record in black and white, at which point objects of a certain size become recognizable, and the ability of the images to be zoomed in and out, moved, enlarged, sharpened, and/or brightened.

We agree with Respondent that recordings from security cameras identify specifications of the video recording system including technical details and vulnerabilities.¹ Accordingly, these recordings are confidential under Section 418.182 of the Government Code and are therefore exempt from disclosure under Rule 12.5(i).

¹ See *Texas Dep't of Pub. Safety v. Abbott*, 310 S.W.3d 670, 673 (Tex. App. - Austin 2010, no pet.) noting that "specifications of a security system include the cameras' capabilities" and recordings from the camera "demonstrate these capabilities through the characteristics, quality, and clarity of the images recorded."

Petitioner also asserts that Respondent released the requested information to outside legal counsel and to a constable and asks whether this is a release of confidential information to the public in violation of Rule 12. A release to outside counsel or other members of a governmental entity do not constitute a release to the public under Rule 12.

For the reasons stated above, the petition is denied.