



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 29, 2015

Ms. Abigail K. Sullivan  
Counsel for the County of Hunt  
Scott & Ray, PLLC  
P.O. Box 1353  
Greenville, Texas 75403-1353

OR2015-12879

Dear Ms. Sullivan:

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# 569133.

The Hunt County Sheriff's Office (the "sheriff's office") received two requests from different requestors for information pertaining to a specified incident. You state you have released some information to the requestors, including basic information in accordance with section 552.108(c) of the Government Code. *See Gov't Code* § 552.108(c). We understand you will redact information pursuant to sections 552.130(c) and 552.147(b) of the Government Code.<sup>1</sup> You claim portions of the submitted information are excepted from disclosure under sections 552.101, 552.103, and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

We note the submitted information was the subject of a previous request received by the sheriff's office, as a result of which this office issued Open Records Letter No. 2015-12017

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<sup>1</sup>Section 552.130(c) of the Government Code allows a governmental body to redact the information described in section 552.130(a) without the necessity of seeking a decision from the attorney general. *See Gov't Code* § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e). Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office. *See id.* § 552.147(b).

(2015). In that ruling, we determined the sheriff's office may withhold the information we marked under section 552.108(a)(1) of the Government Code, must withhold the information we marked under section 552.101 of the Government Code in conjunction with section 411.083 of the Government Code and common-law privacy, and must release the remaining information. You now seek to withhold some of the information previously ordered released in Open Records Letter No. 2015-12017 under sections 552.103 and 552.108 of the Government Code. Section 552.007 of the Government Code provides that, if a governmental body voluntarily releases information to any member of the public, the governmental body may not withhold such information from further disclosure unless its public release is expressly prohibited by law or the information is confidential under law. *See id.* § 552.007; Open Records Decision No. 518 at 3 (1989); *see also* Open Records Decision No. 400 (1983) (governmental body may waive right to claim permissive exceptions to disclosure under the Act, but it may not disclose information made confidential by law). Accordingly, pursuant to section 552.007, the sheriff's office may not now withhold any previously released information unless its release is expressly prohibited by law or the information is confidential under law. Although you now raise sections 552.103 and 552.108 of the Government Code for the information at issue, these sections do not prohibit the release of information or make information confidential. *See Dallas Area Rapid Transit v. Dallas Morning News*, 4 S.W.3d 469, 475-76 (Tex. App.—Dallas 1999, no pet.) (governmental body may waive Gov't Code § 552.103); Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally), 663 at 5 (1999) (waiver of discretionary exceptions), 586 (1991) (governmental body may waive section 552.108). Thus, the sheriff's office may not now withhold any of the previously released information under section 552.103 or section 552.108 of the Government Code. Furthermore, we have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. We therefore conclude the sheriff's office must continue to rely on Open Records Letter No. 2015-12017 as a previous determination and withhold or release the submitted information in accordance with that decision. *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 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). As our ruling is dispositive, we need not consider your arguments against disclosure.

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](#), 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,

A handwritten signature in black ink, appearing to read "Kenny Moreland". The signature is fluid and cursive, with a large initial "K" and "M".

Kenny Moreland  
Assistant Attorney General  
Open Records Division

KJM/som

Ref: ID# 569133

Enc. Submitted documents

c: 2 Requestors  
(w/o enclosures)