



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 7, 2016

Ms. Judith N. Benton
Assistant City Attorney
City of Waco
P.O. Box 2570
Waco, Texas 76702-2570

OR2016-05214

Dear Ms. Benton:

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# 600842 (Waco Reference No. LGL-15-376).

The City of Waco and the Waco Police Department (collectively, the "department") received a request for (1) the 9-1-1 call history logs, transcripts, and reports for a specified location during a specified time period; (2) the police beat report and/or uniform crime report regarding a specified area during a specified time period; (3) the crime statistics for a specified area during a specified time period; and (4) information pertaining to a specified incident. You state you have released some information to the requestor. You claim the submitted information is excepted from disclosure under sections 552.101, 552.108, and 552.152 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You state the department sought clarification for the request for information. *See* Gov't Code § 552.222 (if request for information is unclear, governmental body may ask requestor to clarify request); *see also City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or over-broad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed). You further state the department has not received a response to the request for clarification. Thus, for the requested information for which the department has sought but

has not received clarification, we find the department is not required to release information in response to the portion of the request at issue. However, if the requestor clarifies the portion of the request for information at issue, the department must seek a ruling from this office before withholding any responsive information from the requestor. *See* Gov't Code § 552.222; *City of Dallas*, 304 S.W.3d at 387. We note a governmental body has a duty to make a good-faith effort to relate a request for information to information the governmental body holds. Open Records Decision No. 561 (1990). In this case, as the department has submitted information responsive to the request and has made arguments against disclosure of this information, we will address the applicability of its arguments to the submitted information.

You state the requested information was the subject of previous requests for information, in response to which this office issued Open Records Letter Nos. 2015-16352 (2015), 2015-19588 (2015), 2015-19700 (2015), and 2015-24407 (2015). In Open Records Letter No. 2015-16352, we determined the department may withhold (1) the information you marked under section 552.108(a)(1) of the Government Code other than the previously released information and (2) the information we marked under section 552.108(b)(1). We also determined the department must withhold (1) the information you marked under section 552.101 of the Government Code in conjunction with section 143.089(g) of the Local Government Code, (2) the Federal Bureau of Investigation numbers you marked under section 552.101 of the Government Code in conjunction with federal law and chapter 411 of the Government Code, (3) the identifying information you marked under section 552.152 of the Government Code, and (4) the additional motor vehicle record information we marked under section 552.130 of the Government Code. We further held the department must release the remaining information. In Open Records Letter No. 2015-19588, we determined the department may withhold the submitted information under section 552.108(a)(1) of the Government Code. In Open Records Letter No. 2015-19700, we determined the department (1) may continue to rely on Open Records Letter No. 2015-16352 as a previous determination and withhold or release the identical information in accordance with that ruling and, (2) with the exception of the information subject to section 552.022(a)(17) may withhold the submitted information under section 552.108(a)(1) of the Government Code. In Open Records Letter No. 2015-24407, we determined the department (1) may withhold the information you marked under section 552.108(a)(1) of the Government Code, (2) may withhold the information we marked under section 552.108(b)(1) of the Government Code, and (3) must release the remaining information. We have no indication the law, facts, or circumstances on which the prior rulings were based have changed. Accordingly, we conclude the department must continue to rely on Open Records Letter Nos. 2015-16352, 2015-19588, 2015-19700, and 2015-24407 as previous determinations and withhold or release the identical information in accordance with those rulings. *See* Open Records Decision No. 673 at 6-7 (2001) (discussing criteria for first type of previous determination).¹

¹As our ruling is dispositive, we need not address your arguments against disclosure of this information.

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,



Cristian Rosas-Grillet
Assistant Attorney General
Open Records Division

CRG/akg

Ref: ID# 600842

Enc. Submitted documents

c: Requestor
(w/o enclosures)