



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 24, 2016

Mr. James Kopp  
Assistant City Attorney  
Office of the City Attorney  
City of San Antonio  
P.O. Box 839966  
San Antonio, Texas 78283-3966

OR2016-06757

Dear Mr. Kopp:

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# 609305 (COSA File No. W110957).

The City of San Antonio (the "city") received a request for information pertaining to a specified incident. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note some of the submitted information is subject to section 552.022 of the Government Code. Section 552.022(a) provides, in relevant part:

(a) [T]he following categories of information are public information and not excepted from required disclosure unless made confidential under this chapter or other law:

...

(17) information that is also contained in a public court record[.]

Gov't Code § 552.022(a)(17). The submitted information contains court-filed documents, which we have marked, that are subject to subsection 552.022(a)(17) and must be released unless they are made confidential under the Act or other law. *See id.* The city seeks to withhold the information subject to section 552.022(a)(17) under section 552.108 of the Government Code. However, section 552.108 is a discretionary exception and does not make information confidential under the Act. *See* Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally), 663 at 5 (1999) (waiver of discretionary exceptions), 177 at 3 (1977) (statutory predecessor to Gov't Code § 552.108 subject to waiver). Therefore, the submitted court-filed documents may not be withheld under section 552.108 of the Government Code. As you raise no other exception to disclosure for this information, the city must release the court-filed documents pursuant to section 552.022(a)(17) of the Government Code.

Next, we note the remaining information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2015-07696 (2015). In Open Records Letter No. 2015-07696, we concluded, with the exception of basic information, the city's police department (the "department") may withhold the responsive information under section 552.108(a)(1) of the Government Code; in releasing the basic information, the department must withhold the identity of the complainant, which we marked, under section 552.101 of the Government Code in conjunction with common-law privacy. There is no indication the law, facts, and circumstances on which the prior ruling was based have changed. Accordingly, we conclude the city may continue to rely on Open Records Letter No. 2015-07696 as a previous determination and withhold or release the identical information in accordance with that ruling. *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 information is or is not excepted from disclosure).

In summary, the city must release the court-filed documents pursuant to section 552.022(a)(17) of the Government Code. The city may continue to rely on Open Records Letter No. 2015-07696 as a previous determination and withhold or release the identical information in accordance with that ruling.

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,



Cindy Nettles  
Assistant Attorney General  
Open Records Division

CN/som

Ref: ID# 609305

Enc. Submitted documents

c: Requestor  
(w/o enclosures)