



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 7, 2016

Ms. Captoria Brown
Office of the City Attorney
City of Carrollton
1945 East Jackson
Carrollton, Texas 75006

OR2016-27106

Dear Ms. Brown:

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# 636731 (City ID# 8543).

The Carrollton Police Department (the "department") received a request for a bar receipt and 9-1-1 audio tape and transcript pertaining to a specified incident. You state you have released some of the requested information. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You state some of the submitted information was the subject of a previous request for a ruling, as a result of which this office issued Open Records Letter No. 2014-21294 (2014). In Open Records Letter No. 2014-21294, we concluded the department may withhold certain information under section 552.108(a)(2) of the Government Code. We have no indication the law, facts, or circumstances on which Open Records Letter No. 2014-21294 was based have changed. Accordingly, to the extent the submitted information is identical to the information previously ruled on by this office, we conclude the department may continue to rely on Open Records Letter No. 2014-21294 as a previous determination and withhold or release the 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). To the extent the submitted information is not encompassed by the previous ruling, we will address the arguments against its release.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that did not result in conviction or deferred adjudication. *See* Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested). You state the submitted information relates to a closed case that did not result in conviction or deferred adjudication. Based on your representation and our review, we agree the department may withhold the submitted information under section 552.108(a)(2) of the Government Code.

In summary, to the extent the submitted information is identical to the information previously ruled on by this office, we conclude the department may continue to rely on Open Records Letter No. 2014-21294 as a previous determination and withhold or release the information in accordance with that ruling. The department may withhold the submitted information under section 552.108(a)(2) 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 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,



Sidney M. Pounds
Assistant Attorney General
Open Records Division

SMP/akg

Ref: ID# 636731

Enc. Submitted documents

c: Requestor
(w/o enclosures)