



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 8, 2017

Mr. Robert J. Davis  
Counsel for the Collin County Sheriff's Office  
Matthews, Shiels, Knott, Eden, Davis & Beanland, L.L.P.  
8131 LBJ Freeway, Suite 700  
Dallas, Texas 75251

OR2017-04953

Dear Mr. Davis:

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# 654433 (File No. 1600-67375).

The Collin County Sheriff's Office (the "sheriff's office"), which you represent, received a request for medical records and other information pertaining to the requestor's incarceration at the Collin County Jail. 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 the submitted information may have been the subject of previous requests for information, in response to which this office issued Open Records Letter Nos. 2016-19890 (2016) and 2017-01135 (2017). In Open Records Letter No. 2016-19890, we determined that: (1) pursuant to section 1701.661 of the Occupations Code, our ruling did not reach the submitted body worn camera recordings and the sheriff's office is not required to release them; (2) the sheriff's office must release the court-filed documents we marked pursuant to section 552.022(a)(17) of the Government Code; and (3) with the exception of basic information, which must be released, the sheriff's office may withhold the remaining responsive information under section 552.108(a)(1) of the Government Code. In Open Records Letter No. 2017-01135, we determined: (1) to the extent the requested information is identical to the information at issue in Open Records Letter No. 2016-19890, the sheriff's office must continue to rely on that ruling a previous determination and withhold

or release such information in accordance with that ruling; and (2) with the exception of the basic information, which must be released, the sheriff's office may withhold the information at issue under section 552.108(a)(1) of the Government Code. We have no indication there has been any change in the law, facts, or circumstances on which the previous rulings were based. Accordingly, to the extent the submitted information is identical to the information at issue in those rulings, we conclude the sheriff's office must rely on Open Records Letter Nos. 2016-19890 and 2017-01135 as previous determinations and withhold or release such information in accordance with those rulings.<sup>1</sup> 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). To the extent the submitted information is not encompassed by the prior rulings, we will consider your argument against disclosure.

Section 552.108(a)(1) of the Government Code excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]” Gov’t Code § 552.108(a)(1). A governmental body claiming section 552.108(a)(1) must explain how and why the release of the requested information would interfere with law enforcement. See *id.* §§ 552.108(a)(1), .301(e)(1)(A); see also *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the remaining information relates to a pending prosecution. Based on your representation and our review, we find release of the information at issue would interfere with the detection, investigation, or prosecution of crime. See *Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court delineates law enforcement interests that are present in active cases), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, section 552.108(a)(1) is applicable to the remaining information.

However, section 552.108 does not except from disclosure “basic information about an arrested person, an arrest, or a crime.” Gov’t Code § 552.108(c). Section 552.108(c) refers to the basic information held to be public in *Houston Chronicle*. See 531 S.W.2d at 186-88; see also Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). Accordingly, with the exception of basic information, the sheriff's office may withhold the remaining information under section 552.108(a)(1) of the Government Code.

In summary, to the extent the submitted information is identical to the information at issue in Open Records Letter Nos. 2016-19890 and 2017-01135, we conclude the sheriff's office must rely on those rulings as previous determinations and withhold or release such

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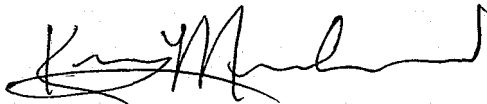
<sup>1</sup>As we are able to make this determination, we need not address your argument against disclosure of this information.

information in accordance with those rulings. With the exception of basic information, the sheriff's office may withhold the remaining information under section 552.108(a)(1) 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](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', written over a horizontal line.

Kenny Moreland  
Assistant Attorney General  
Open Records Division

KM/sdk

Ref: ID# 654433

Enc. Submitted documents

c: Requestor  
(w/o enclosures)