



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 23, 2017

Ms. Jo Ann Pate  
Assistant City Attorney  
City of Fort Worth  
200 Texas Street  
Fort Worth, Texas 76102-6311

OR2017-05990

Dear Ms. Pate:

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# 649852 (PIR# W057874, W057879).

The City of Fort Worth (the "city") received two separate requests for a named city police department (the "department") officer's personnel file. You state the city has released some 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 representative sample of information.<sup>1</sup>

We note the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2017-05896 (2017). In that ruling, we determined: (1) the requestors did not properly request the body worn camera video recordings at issue pursuant to chapter 1701 of the Occupations Code and the city need not release the submitted body camera video recordings in response to the requests for information; (2) the city must withhold the information it marked under section 552.101 of the Government Code in conjunction with section 261.201 of the Family Code; (3) the city must withhold the information pertaining to report number 16-120090 from all requestors,

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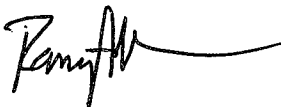
<sup>1</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

other than the legal representative of the parents of the juvenile offender at issue, under section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code; (4) the city must withhold the information it marked under section 143.089(g) of the Local Government Code in conjunction with section 552.101 of the Government Code; and (5) the city may withhold the remaining responsive information under section 552.108(a)(1) of the Government Code on behalf of the Tarrant County District Attorney's Office. We have no indication there has been a change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, the city must rely on Open Records Letter No. 2017-05896 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 that information is or is not excepted from 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](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,



Ramsey A. Abarca  
Assistant Attorney General  
Open Records Division

RAA/bw

Ref: ID# 649852

Enc. Submitted documents

c: 2 Requestors  
(w/o enclosures)