



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 4, 2017

Mr. Julian W. Taylor, III
Counsel for the City of Freeport
The Law Office of Wallace Shaw, P.C.
P.O. Box 3073
Freeport, Texas 77542-1273

OR2017-06968

Dear Mr. Taylor:

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# 652043.

The City of Freeport (the "city"), which you represent, received a request for information related to a specified investigation by the city's police department (the "department"). You claim the submitted information is excepted from disclosure under sections 552.101, 552.108, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information. We have also received and considered comments from an interested party. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

The city states all of the requested information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2017-00491 (2017). In Open Records Letter No. 2017-00491, we concluded: 1) the submitted body worn camera recording was not properly requested pursuant to chapter 1701 of the Occupations Code and it need not be released, and 2) with the exception of the basic information, the department may withhold the responsive information under section 552.108(a)(2) of the Government Code. You state the law, facts, and circumstances on which the prior ruling was based have not changed. Accordingly, we conclude the city may continue to rely on Open Records Letter No. 2017-00491 as a previous determination and withhold or release the requested 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).¹

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,



Kelly McWethy
Assistant Attorney General
Open Records Division

KSM/sb

Ref: ID# 652043

Enc. Submitted documents

c: Requestor
(w/o enclosures)

1 Third Party
(w/o enclosures)

¹As our ruling is dispositive, we do not address the remaining arguments against disclosure of this information.