



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 25, 2017

Ms. Lola Dada-Olley
Assistant City Attorney
City of Plano
P.O. Box 860358
Plano, Texas 75086-0358

OR2016-08708

Dear Ms. Dada-Olley:

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# 654498 (Plano ORR#17-007).

The City of Plano (the "city") received a request for animal control reports involving a named individual. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the information we have indicated is not responsive to the instant request for information. This ruling does not address the public availability of nonresponsive information, and the city is not required to release nonresponsive information in response to this request.

You state, and we agree, the responsive information was the subject of a previous request for information in response to which this office issued Open Records Letter No. 2017-03305 (2017). In that ruling, we determined the city (1) may withhold the information marked under section 552.101 of the Government Code in conjunction with the common-law informer's privilege; (2) must withhold the information marked under section 552.101 of the Government Code in conjunction with common-law privacy; (3) must withhold the

¹Although you do not raise section 552.130 of the Government Code, we understand you to raise this exception based on your markings.

information marked under section 552.130 of the Government Code; and (4) must release the remaining information. There is no indication the law, facts, and circumstances on which the prior ruling was based have changed. Accordingly, we conclude the city must continue to rely on Open Records Letter No. 2017-03305 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). As our ruling is dispositive, we need not address your arguments against disclosure of the responsive information.

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,



Thana Hussaini
Assistant Attorney General
Open Records Division

TH/sb

Ref: ID# 655498

Enc. Submitted documents

c: Requestor
(w/o enclosures)