



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 1, 2017

Ms. Kristen Lee
Assistant County Attorney
Harris County Institute of Forensic Sciences
1019 Congress, 15th Floor
Houston, Texas 77002

OR2017-09235

Dear Ms. Lee:

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# 655840 (C. A. File No. 17PIA0077).

The Harris County Institute of Forensic Sciences (the "county") received a request for multiple autopsy reports. 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 you have only submitted one of the requested autopsy reports to this office for our review. We assume, to the extent any remaining requested information existed on the date the county received the request, the county has released it. If not, the county must do so at this time. *See* Gov't Code §§ 552.006, .301, .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

Next, 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. 2016-20485 (2016). In that ruling, we found the county may withhold the submitted information pursuant to section 552.108(a)(1) of the Government Code on behalf of a law enforcement agency with a law enforcement interest. We have no indication the law, facts, or circumstances on which the prior ruling was based have changed. Thus, the county may

continue to rely on Open Records Letter No. 2016-20485 as a previous determination and withhold the identical information at issue in accordance with that ruling.¹ 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 a 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, 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,



Cole Hutchison
Assistant Attorney General
Open Records Division

CH/sb

Ref: ID# 655840

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As we are able to make this determination, we need not consider your arguments against disclosure of the submitted information.