



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 25, 2017

Ms. Natalie Barnett
Assistant County Attorney
Parker County
118 West Columbia Street
Weatherford, Texas 76086

OR2017-11473

Dear Ms. Barnett:

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# 666188.

The Parker County Sheriff's Office (the "sheriff's office") received a request for information pertaining to the arrest and incarceration of a named individual. You claim the submitted information is excepted from disclosure under sections 552.103 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

We note the requested information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2017-09487 (2017). In Open Records Letter No. 2017-09487, we concluded the sheriff's office: 1) need not release the submitted TCOLE identification numbers; 2) may continue to rely on Open Records Letter No. 2017-06112 as a previous determination and withhold any identical information at issue in accordance with that ruling; 3) may withhold the information it marked under section 552.108(a)(1) on behalf of the Texas Rangers, with the exception of the basic information and the information subject to section 552.022(a)(17); 4) must withhold the fingerprints it marked under section 552.101 in conjunction with section 560.003 of the Government Code; 5) must withhold the public citizen's date of birth we marked within the remaining information under section 552.101 in conjunction with common-law privacy; 6) must generally withhold the information we marked under section 552.1175 to the extent the individuals whose information is at issue are currently licensed peace officers and elect to

restrict access to their information in accordance with section 552.1175(b), but may withhold the marked cellular telephone number only if the cellular telephone service is not paid for with government funds; and 7) must release the remaining information.¹ You now seek to withhold the requested information under section 552.103 of the Government Code, some of which was previously ordered released in Open Records Letter No. 2017-09487. Section 552.007 of the Government Code, however, provides if a governmental body voluntarily releases information to any member of the public, the governmental body may not withhold such information from further disclosure unless its public release is expressly prohibited by law or the information is confidential by law. *See* Gov't Code § 552.007; Open Records Decision No. 518 at 3 (1989); *see also* Open Records Decision No. 400 (1983) (governmental body may waive right to claim permissive exceptions to disclosure under the Act, but it may not disclose information made confidential by law). Accordingly, pursuant to section 552.007, the sheriff's office may not now withhold previously released information unless its release is expressly prohibited by law or the information is confidential under law. We not section 552.103 does not prohibit the release of information or make information confidential. *See Dallas Area Rapid Transit v. Dallas Morning News*, 4 S.W.3d 469, 475-76 (Tex. App.—Dallas 1999, no pet.) (governmental body may waive section 552.103); Open Records Decision No. 542 at 4 (1990) (statutory predecessor to section 552.103 may be waived); *see also* Open Records Decision No. 665 at 2 n.5 (2000) (discretionary exceptions generally). Thus, the sheriff's office may not now withhold information this office previously ordered to be released under section 552.103. There is no indication the law, facts, and circumstances on which the prior ruling was based have changed. Accordingly, we conclude the sheriff's office must continue to rely on Open Records Letter No. 2017-09487 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).

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

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

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 "Jesse Harvey", written in a cursive style.

Jesse Harvey
Assistant Attorney General
Open Records Division

JH/bw

Ref: ID# 666188

c: Requestor