



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 30, 2017

Mr. Nicholas Toulet
Assistant City Attorney
City of Midland
P. O. Box 1152
Midland, Texas 79702

OR2017-14693

Dear Mr. Toulet:

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# 671240 (Midland ORR # MO20944-053117).

The Midland Police Department (the "department") received a request for two police reports pertaining to a named individual. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception 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. 2017-11839 (2017). In Open Records Letter No. 2017-11839, we concluded the department must generally release the submitted information to this requestor pursuant to section 58.007(e) of the Family Code; however, in releasing the information, the department must withhold the motor vehicle record information we marked under section 552.130 of the Government Code.¹ There is no indication the law, facts, and circumstances on which the prior ruling was based have changed. Accordingly, we conclude the department must continue to rely on Open Records Letter No. 2017-11839 as a previous determination and withhold or release the requested

¹The requestor has a right of access to the information being released. Thus, if the city receives another request for the same information from a different requestor, the city must again seek a decision from this office.

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 providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Jesse Harvey
Assistant Attorney General
Open Records Division

JH/bw

Ref: ID# 671240

Enc. Submitted documents

c: Requestor
(w/o enclosures)