



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 19, 2017

Ms. Amanda Pell
Open Records Specialist
Baytown Police Department
3200 North Main Street
Baytown, Texas 77521

OR2017-16124

Dear Ms. Pell:

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# 666735 (ORR# 8652).

The Baytown Police Department (the "department") received a request for all information related to report number 2016-20041, including specified categories of information. You state you will release some information. You state you do not have information responsive to a portion of the request.¹ You claim some of the submitted information is excepted from disclosure under sections 552.101, 552.108, 552.1085, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

The department states some of the submitted information was the subject of previous requests for information, as a result of which this office issued Open Records Letter No. 2016-15896 (2016). In that ruling, we determined 1) the department must withhold the marked public citizens' dates of birth under section 552.101 of the Government Code in conjunction with common-law privacy; 2) with the exception of the information marked for release, the department may withhold the marked information in the incident report under section 552.108(a)(1) of the Government Code; 3) the department must withhold the marked motor vehicle information within the report, any discernible license plates in the

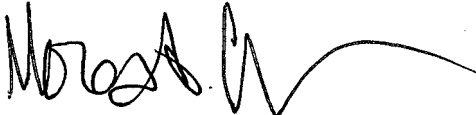
¹The Act does not require a governmental body to release information that did not exist when a request for information was received or to prepare new information in response to a request. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267-68 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 452 at 3 (1986), 362 at 2 (1983).

photographs, and the entireties of the video recordings under section 552.130 of the Government Code; and 4) the department must release the remaining information. The department states there has been no change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, the department must rely on Open Records Letter No. 2016-15896 as a previous determination and withhold or release the information in accordance with that ruling.² 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 that information is or is not excepted from disclosure). As the department raises no exceptions against disclosure for the remaining information, it must be released.

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,



Meredith L. Coffman
Assistant Attorney General
Open Records Division

MLC/tdw

Ref: ID# 666735

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²As we are able to make this determination, we do not address the department's submitted arguments against disclosure of this information.