



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

August 18, 2017

Ms. Agatha Wade  
Assistant Criminal District Attorney  
Civil Section  
Bexar County  
101 West Nueva Street, 7th Floor  
San Antonio, Texas 78205

OR2017-18925

Dear Ms. Wade:

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# 677753 (BCDA File No. 5902, ME13-2369).

The Bexar County Medical Examiner's Office (the "medical examiner's office") received a request for a specified autopsy report. 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.

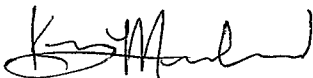
We note the requested information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2014-08300 (2014). In that ruling, we ruled the medical examiner's office must release the requested information. We note the medical examiner's office now raises section 552.108 of the Government Code for the information ordered released in Open Records Letter No. 2014-08300. Section 552.007 of the Government Code 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 under law. *See id.* § 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

medical examiner's office may not now withhold the information previously ordered released in Open Records Letter No. 2014-08300 unless its release is expressly prohibited by law or the information is confidential under law. Although the medical examiner's office raises section 552.108 of the Government Code, this section does not prohibit the release of information or make information confidential. *See* Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally), 663 at 5 (1999) (waiver of discretionary exceptions), 177 at 3 (1977) (statutory predecessor to section 552.108 subject to waiver). Thus, the medical examiner's office may not now withhold the information previously ordered released in Open Records Letter No. 2014-08300 under section 552.108 of the Government Code. As you raise no further exceptions to disclosure, the medical examiner's office must release the submitted 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](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,



Kenny Moreland  
Assistant Attorney General  
Open Records Division

KJM/sdk

Ref: ID# 677753

Enc. Submitted documents

c: Requestor  
(w/o enclosures)