



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 25, 2017

Mr. Frank J. Garza
Counsel for City of Kyle
Davidson, Troilo, Ream & Garza, P.C.
601 Northwest Loop 410, Suite 100
San Antonio, Texas 78216-5511

OR2017-24374

Dear Mr. Garza:

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# 681636 (COK ID Nos. W001923-080417 and W002163-091917).

The City of Kyle (the "city"), which you represent, received two requests from different requestors for information pertaining to a specified incident. You state the city has released some information. You claim the submitted information is excepted from disclosure under section 552.103 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note some of the submitted information, which we have marked, is not responsive to either of the instant requests because it does not consist of the types of information requested regarding the specified incident. This ruling does not address the public availability of the non-responsive information, which we have marked, and the city need not release it in response to these requests.

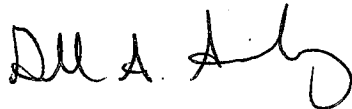
Next, you state, and we agree, the responsive information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2017-16631 (2017). In that ruling, we determined the city (1) must withhold the submitted accident report under section 552.101 of the Government Code in conjunction with section 550.065(b) of the Transportation Code, (2) must release the redacted accident report to the requestor pursuant to section 550.065(c-1) of the Transportation Code, and (3)

to the extent the responsive information had not been previously released and with the exception of basic information, which must be released, may withhold the remaining responsive information under section 552.103(a) of the Government Code. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, we conclude the city may rely on Open Records Letter No. 2017-16631 as a previous determination and withhold or release the responsive 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 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,



Gerald A. Arismendez
Assistant Attorney General
Open Records Division

GAA/tdw

Ref: ID# 681636

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)