



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 1, 2018

Ms. Molly Cost
Assistant General Counsel
Texas Department of Public Safety
Box 4087
Austin, Texas 78773-0001

OR2018-04828

Dear Ms. Cost:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. This request was originally received by the Open Records Division ("ORD") of this office and assigned ID# 697690. Preparation of this ruling has been assigned instead to the Opinion Committee.

The Department of Public Safety ("Department") received twelve requests between December 4 and December 7, 2017, for records of the 2012 arrest of Randy Travis. You tell us the requested information is subject to a previous ruling from our office, Open Records Letter Ruling No. 2013-07330, which was litigated through the state court system. You also tell us that Randy Travis instituted appeal proceedings in the federal court system and on December 1, 2017, the United States Court of Appeals for the Fifth Circuit issued a stay of release of the arrest video and related records. You tell us further that the requested information was released to other requestors prior to the issuance of the stay.

Initially, we must consider section 552.007 of the Government Code. Section 552.007 provides that 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. TEX. GOV'T CODE § 552.007; Tex. Att'y Gen. ORD-518 (1989) at 3. Accordingly, the Department may not now withhold previously released information unless its release is expressly prohibited by law or the information is confidential under law. You

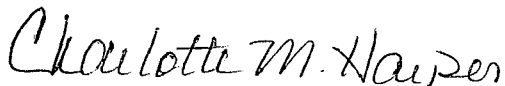
seek to withhold the information under section 552.107(2), which prohibits disclosure of information subject to a court order.

Section 552.107(2) of the Government Code provides information is excepted from disclosure if “a court by order has prohibited disclosure of the information.” TEX. GOV'T CODE § 552.107(2). You have submitted a copy of the order granting a stay of the release of the video and related records that was issued by the United States Court of Appeals for the Fifth Circuit. The stay applies to the video and related records in Randy Travis's lawsuit. You explain the submitted information is the same information at issue in Open Records Letter Ruling No. 2013-07330 and is the information at issue in the suit. Based on your representations and our review, we agree a court by order has prohibited disclosure of the information at issue. Accordingly, the Department must withhold the submitted information under section 552.107(2) of the Government Code.

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,



Charlotte M. Harper
Assistant Attorney General
Opinion Committee

CMH/eb

Ref: ID# 697690

Enc. Submitted documents

c: Requestor
(w/o enclosures)