



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 29, 2019

Ms. Jennifer Smith
Assistant District Attorney
Hidalgo County
100 East Cano Street
Edinburg, Texas 78539

OR2019-11240

Dear Ms. Smith:

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# 762416 (File No. 2019-0031-DA.SO).

The Hidalgo County Sheriff's Office (the "sheriff's office") received a request for information pertaining to a specified internal affairs case. You state the sheriff's office will release some information. You claim the submitted information is excepted from disclosure under sections 552.101, 552.117, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You state the responsive information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2019-08403 (2019). In Open Records Letter No. 2019-08403 we determined the sheriff's office must 1) withhold the information we marked under section 552.101 of the Government Code in conjunction with section 411.083 of the Government Code and federal law; 2) withhold the information at issue under section 552.101 of the Government Code in conjunction with section 1701.454 of the Occupations Code; 3) withhold the information we marked and indicated under section 552.101 of the Government Code in conjunction with constitutional privacy; 4) withhold the marked public citizen's date of birth and the additional information we marked and indicated under section 552.101 of the Government Code in conjunction with common-law privacy; 5) withhold the information we marked and indicated under section 552.117(a)(2) of the Government Code; 6) withhold the information we marked and indicated under section 552.117(a)(1) of the Government Code; 7) withhold the motor vehicle record information we marked under section 552.130 of the Government Code; 8) withhold the insurance policy

number we marked under section 552.136 of the Government Code; and 9) release the remaining information. There is no indication the law, facts, and circumstances on which the prior ruling was based have changed. Accordingly, we conclude the sheriff's office must continue to rely on Open Records Letter No. 2019-08403 as a previous determination and withhold or release the responsive information in accordance with that ruling.¹ 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,



Kelly McWethy
Assistant Attorney General
Open Records Division

KSM/mo

Ref: ID# 762416

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As we are able to make this determination, we need not address your arguments against disclosure of this information.