



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 10, 2019

Mr. Neal Falgoust
Assistant City Attorney
City of Austin
P.O. Box 1088
Austin, Texas 78767-8828

OR2019-13359A

Dear Mr. Falgoust:

This office issued Open Records Letter No. 2019-13359 (2019) on May 20, 2019. Since that date, we have received new information that affects the facts on which this ruling was based. Consequently, this decision serves as the corrected ruling and is a substitute for the decision issued on May 20, 2019. *See generally* Gov't Code § 552.011 (providing that Office of Attorney General may issue decision to maintain uniformity in application, operation, and interpretation of Public Information Act ("Act")). This ruling was assigned ID# 766470.

The City of Austin (the "city") received a request for information pertaining to a specified incident. You claim the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim.

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. 2019-11818 (2019). In that ruling, we determined the city (1) must withhold the submitted date of birth that pertains to a living person and the information we marked under section 552.101 of the Government Code in conjunction with common-law privacy, and (2) the city must release the remaining information. We have no indication the law, facts, and circumstances on which the prior ruling was based have changed. Therefore, the city must continue to rely on Open Records Letter No. 2019-11818 as a previous determination and withhold or release the requested 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,



Kieran Hillis
Assistant Attorney General
Open Records Division

KH/eb

Ref: ID# 766470

Enc. Submitted documents

c: Requestor
(w/o enclosures)