



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 19, 2019

Ms. Cary Grace
Assistant City Attorney
City of Austin
P.O. Box 1088
Austin, Texas 78767

OR2019-19749

Re: Request for (18-2501336) (ORR R016008)

Dear Ms. Grace:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 776225 (R016008).

After reviewing your arguments and the submitted information, we have determined your request does not present a novel or complex issue.¹ Thus, we are addressing your claims in a memorandum opinion. You claim the submitted information may be withheld from the requestor pursuant to section 552.108(a)(1) of the Government Code. Upon review of your arguments and the submitted information, we conclude you may withhold the submitted information under section 552.108(a)(1). However, as you acknowledge, you must release the basic information pursuant to section 552.108(c) of the Government Code. We note the submitted information includes information that may have been filed with a court. Information filed with a court is generally a matter of public record and may not be withheld from disclosure. Gov't Code § 552.022(a)(17); *Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54 (Tex. 1992). Thus, if the information has been filed with a court, you must release the information.

¹We note the Austin Police Department received a prior request for the same information from a different requestor on September 17, 2018. In response to the initial request, the department informs us it responded to the different requestor within five business days and then withheld certain information under section 552.108(a)(1) of the Government Code, pursuant to the previous determination this office issued to the department in Open Records Letter No. 2016-10001 (2016). Subsequently, the department received the instant request for the same information on April 29, 2019. We note because the requests for information at issue were made by different individuals, the department had discretion to rely on Open Records Letter No. 2016-10001 in responding to the second request.

For more information on the cited exception, please refer to the open government information on our website at <https://www.texasattorneygeneral.gov/og/memorulings>. You may also contact our Open Government Hotline at 1-877-OPENTEX.

Enc: Submitted documents

c: Requestor
(w/o enclosures)