



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 6, 2019

Ms. DeAndrea Bradford
Assistant City Attorney
Arlington Police Department
Mail Stop 04-0200
P.O. Box 1065
Arlington, Texas 76004-1065

OR2019-21575

Dear Ms. Bradford:

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# 779022 (Reference# 80247).

The Arlington Police Department (the "department") received a request for information pertaining to a named educator. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

We note the submitted information was the subject of a previous request for information by an investigator with the Texas Education Agency, as a result of which this office issued Open Records Letter No. 2018-13699 (2018). In that ruling, we determined, in relevant part, if the department determines release of the CHRI is consistent with the Family Code, the department must release information from the submitted report to this requestor that shows the type of allegations made and whether there was an arrest, information, indictment, detention, conviction, or other formal charges and their dispositions and withhold the remainder of the submitted information under section 552.101 of the Government Code in conjunction with section 261.201(a) of the Family Code; however, if the department determines release is not consistent with the Family Code, then the submitted information

¹Although the department raises section 552.108 of the Government Code, it makes no arguments to support this exception. Therefore, we assume the department has withdrawn its claim this section applies to the submitted information. See Gov't Code §§ 552.301, .302.

must be withheld in its entirety under section 552.101 of the Government Code in conjunction with section 261.201(a) of the Family Code. There is no indication the law, facts, and circumstances on which the prior ruling was based have changed. Accordingly, we conclude the department must continue to rely on Open Records Letter No. 2018-13699 as a previous determination and withhold or release the responsive information in accordance with that ruling.² 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# 779022

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²As we are able to make this determination, we need not address your arguments against disclosure of the submitted information.