



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 13, 2019

Mr. Robert Schell  
Assistant Ellis County & District Attorney  
Ellis County  
109 South Jackson  
Waxahachie, Texas 75165

OR2019-25709

Dear Mr. Schell:

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# 785626.

The Ellis County Sheriff's Office (the "sheriff's office") received a request for information pertaining to a specified incident. You claim some of the submitted information is excepted from disclosure under section 552.101, 552.108, 552.130, and 552.137 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.<sup>1</sup>

We note the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2019-17745 (2019). In that ruling, we concluded the sheriff's office: may withhold certain information it marked under section 552.108(a)(1) of the Government Code; must withhold the marked motor vehicle record information under section 552.130 of the Government Code; must withhold the marked e-mail address under section 552.137 of the Government Code, unless the owner affirmatively consents to its public disclosure or subsection (c) applies; must withhold the marked dates of birth pursuant to section 552.101 of the Government Code in conjunction with common-law privacy; and must release the remaining information. As

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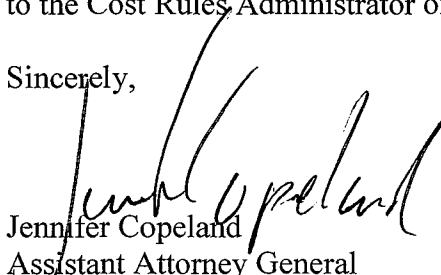
<sup>1</sup> We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

we have no indication the law, facts, and circumstances on which the prior ruling was based have changed, the sheriff's office must continue to rely on Open Records Letter No. 2019-17745 as a previous determination and withhold or release the submitted information in accordance with that ruling.<sup>2</sup> 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Jennifer Copeland  
Assistant Attorney General  
Open Records Division

JC/be

Ref: ID# 785626

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>2</sup> As we able to make this determination, we need not address your arguments against disclosure.