



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 24, 2019

Ms. Jennifer Burnett
Senior Attorney & Public Information Coordinator
The University of Texas System
210 West 7th Street
Austin, Texas 78701

OR2019-26704

Dear Ms. Burnett:

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# 795727 (OGC# 192429).

The University of Texas at Arlington (the "university") received a request for two specified police reports. You state the university has released some information. The university claims the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

The university informs us some of the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2019-21466 (2019). As we have no indication the law, facts, and circumstances on which the prior ruling was based have changed, the university may continue to rely on that ruling as a previous determination and withhold or release the submitted information in accordance with Open Records Letter No. 2019-21466.¹ *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 a prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). To the extent the submitted information was not previously ruled on, we will address your arguments against disclosure.

¹ As our ruling is dispositive, we need not address your argument against disclosure of this information.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that did not result in conviction or deferred adjudication. Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A); Open Records Decision No. 434 (1986). You state the submitted information pertains to a criminal investigation that did not result in conviction or deferred adjudication. Based on this representation, we agree section 552.108(a)(2) is applicable to the information you marked. Accordingly, the university may withhold the information you marked under section 552.108(a)(2) of the Government Code. The university must release the remaining information.

In summary, to the extent the submitted information is identical to the information previously submitted and ruled on by this office, the university may continue to rely on that ruling as a previous determination and withhold or release the submitted information in accordance with Open Records Letter No. 2019-21466. The university may withhold the information you marked under section 552.108(a)(2) of the Government Code. The university must release the remaining information.

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,



Jesse Harvey
Assistant Attorney General
Open Records Division

JHI/eb

Ref: ID# 795727

Enc. Submitted documents

c: Requestor
(w/o enclosures)