



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 4, 2019

Mr. David Overcash
Counsel for the City of Aubrey
Wolfe, Tidwell & McCoy, L.L.P.
2591 Dallas Parkway, Suite 300
Frisco, Texas 75034

OR2019-30990

Dear Mr. Overcash:

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# 795147 (COA File No. C04006PIR20190813-01).

The City of Aubrey (the "city"), which you represent, received a request for all photographs pertaining to a specified incident. You claim the submitted information is excepted from disclosure under sections 552.101, 552.1085, 552.130, and 552.136 of the Government Code. Additionally, you state the city has notified or will notify a deceased individual's next of kin of the request and of their right to submit comments to this office as to why some of the submitted information should not be released.¹ *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have considered the exceptions you claim and reviewed the submitted information.

We note the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2019-22783 (2019). We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, the city must rely on Open Records Letter No. 2019-22783 as a previous determination and withhold or release the identical 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

¹As of the date of this letter, this office has not received comments from any third party explaining why any of the submitted information should not be released.

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

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 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,

A handwritten signature in black ink, appearing to read 'Michelle Garza', with a long horizontal flourish extending to the right.

Michelle Garza
Assistant Attorney General
Open Records Division

MRG/rm

Ref: ID# 795147

Enc. Submitted documents

c: Requestor
(w/o enclosures)