



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 12, 2019

Ms. LaNetra S. Lary
Assistant County Attorney
Fort Bend County
401 Jackson Street, 3rd Floor
Richmond, Texas 77469

OR2019-31859

Dear Ms. Lary:

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# 796467.

The Fort Bend County Sheriff's Office (the "sheriff's office") received four requests from different requestors for information pertaining to a specified incident. In addition, the first request seeks all public information requests received by the sheriff's office pertaining to the specified incident. You claim the submitted information is excepted from disclosure under sections 552.101, 552.108, and 552.1175 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the first request is broader than the other three requests because, in addition to information pertaining to the specified incident, it also seeks all public information requests received by the sheriff's office for information pertaining to the specified incident. Thus, the sheriff's office need not release information to any of the requestors that is not responsive to their respective requests.

Next, we note the sheriff's office has not submitted information responsive to the portion of the first request seeking all public information requests received by the sheriff's office for information pertaining to the specified incident. To the extent any additional information responsive to the first request existed on the date the sheriff's office received the present request, we assume the sheriff's office has already released it to the first requestor. If the sheriff's office has not released any such information, it must do so at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000)

¹ Although you cite to section 552.117 of the Government Code for portions of the submitted information, we note section 552.1175 of the Government Code is the proper exception to raise for information the sheriff's office holds in a law enforcement capacity rather than in an employment capacity.

(if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

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. 2019-22926 (2019). In that ruling, we determined that, with the exception of basic information, which must be released, the sheriff's office may withhold the submitted information under section 552.108(a)(1) of the Government Code. We have no indication the law, facts, and circumstances on which the prior ruling was based have changed. Thus, the sheriff's office may continue to rely on Open Records Letter No. 2019-22926 as a previous determination and withhold or release the requested 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 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,



Blake Brennan
Assistant Attorney General
Open Records Division

BBX/gw

Ref: ID# 796467

Enc. Submitted documents

c: 4 Requestors
(w/o enclosures)

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