



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 14, 2020

Ms. Stephanie Walker
Legal Assistant, Civil Division
Comal County
150 North Seguin Avenue, Suite 307
New Braunfels, Texas 78130-5161

OR2020-10891

Dear Ms. Walker:

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# 822036 (File No. 200R-012).

The Comal County Sheriff's Office (the "sheriff's office") received a request for information pertaining to a named peace officer. You state you do not have information responsive to a portion of the request.¹ You also state you will redact information pursuant to section 552.147 of the Government Code.² You claim some of the submitted information is not subject to the Act and some of the information is is excepted from disclosure under sections 552.101, 552.108, 552.122, 552.130, 552.136, 552.139, and 552.1175 of the Government Code. We have considered the submitted arguments 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. 2019-34782 (2019). There is no indication the law, facts, and circumstances on which the prior ruling was based have changed. Accordingly, we conclude the sheriff's office must continue to rely on Open Records Letter No. 2019-34782 as a previous determination and withhold or release the

¹ The Act does not require a governmental body that receives a request for information to create information that did not exist when the request was received. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 563 at 8 (1990), 555 at 1-2 (1990), 452 at 3 (1986), 362 at 2 (1983).

² Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office. *See* § 552.147(b).

identical information in accordance with that ruling. *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,

Pearlie Gault
Attorney
Open Records Division

PG/eb

Ref: ID# 822036

Enc. Submitted documents

c: Requestor
(w/o enclosures)