



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 24, 2020

Mr. Albert DiMarco
Assistant General Counsel
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR2020-11767

Dear Mr. DiMarco:

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# 824184 (PIR No. 20-0639).

The Texas Department of Public Safety (the "department") received a request for the entire investigative file pertaining to a specified incident. You claim some of the requested information is subject to a previous determination. You also claim some of the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered your submitted arguments.

You inform us the requested body worn camera and dashboard camera recordings were the subject of a previous request for a ruling, as a result of which this office issued Open Records Letter No. 2020-05732 (2020). In that ruling, we determined the department need not release the body worn camera recordings at issue as they were not properly requested pursuant to section 1701.661 of the Occupations Code and may withhold the remaining information under section 552.108(a)(1) of the Government Code. We have no indication there has been any change in the law, facts, or circumstances on which the prior ruling was based. Accordingly, we conclude the department may continue to rely on Open Records Letter No. 2020-05732 as a previous determination and withhold the requested information that is identical to the information that was at issue in Open Records Letter No. 2020-05732 in accordance with that ruling.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

¹ As we are able to make this determination, we need not address your remaining argument against disclosure of this 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).

We note you have not submitted to this office information responsive to the remainder of the present request for information, which, in addition to video recordings, also seeks the entire investigative file pertaining to the incident specified in the request. Therefore, to the extent any additional information responsive to the present request existed on the date the department received the request, we assume the department has already released it to the requestor. If the department 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) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

In summary, the department may continue to rely on Open Records Letter No. 2020-05732 as a previous determination and withhold the requested information that was at issue in that ruling. To the extent any additional responsive information existed on the date the department received the instant request for information, the department must release it.

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/eb

Ref: ID# 824184

c: Requestor