



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 18, 2020

Mr. Eric Gutierrez
Assistant City Attorney
City of El Paso
P.O. Box 1890
El Paso, Texas 79950-1890

OR2020-16311

Dear Mr. Gutierrez:

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# 831517 (Reference # W069409-031320).

The El Paso Police Department (the "department") received a request for the department's procedure manual. You state the department will release some information. You claim some of 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.

We note the submitted information was the subject of previous requests for information, in response to which this office issued Open Records Letter Nos. 2019-31911 (2019) and 2019-28093 (2019). In Open Records Letter No. 2019-28093, we determined the department may withhold some of the information at issue under section 552.108(b)(1) of the Government Code and must release the remaining information. In Open Records Letter No. 2019-31911, we concluded the department must continue to rely on Open Records Letter No. 2019-28093 as a previous determination and withhold or release the identical information in accordance with that ruling. We have no indication the law, facts, or circumstances on which the prior rulings were based have changed. Accordingly, the department must continue to rely on Open Records Letter Nos. 2019-31911 and 2019-28093 as previous determinations and withhold or release the identical information in accordance with those rulings. *See* Open Records Decision No. 673 at 6-7 (2001) (discussing criteria for first type of previous determination).

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,

Cindy Nettles
Assistant Attorney General
Open Records Division

CN/be

Ref: ID# 831517

Enc. Submitted documents

c: Requestor
(w/o enclosures)