



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 6, 2020

Ms. Stacie S. White  
Counsel for the Town of Flower Mound  
Taylor, Olson, Adkins, Sralla & Elam, L.L.P.  
6000 Western Place, Suite 200  
Fort Worth, Texas 76107

OR2020-19603

Dear Ms. White:

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# 841134.

The Flower Mound Police Department (the "department"), which you represent, received a request for records related to a specified arrest of a named individual. The department claims the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception the department claims and reviewed the submitted information.

The submitted information was the subject of previous requests for information from the same requestor, as a result of which this office issued Open Records Letter No. 2020-18104 (2020). In that ruling, we determined the department must generally withhold the information we marked under section 552.101 of the Government Code in conjunction with section 411.083 of the Government Code, but if the requestor intends to use the criminal history record information for a criminal justice purpose, then the department must release it pursuant to section 411.087 of the Government Code; the department may not withhold information from this requestor under section 552.101 of the Government Code in conjunction with section 58.008 of the Family Code; the department must withhold the information we marked, as well as all public citizens' dates of birth within the remaining information, under section 552.101 of the Government Code in conjunction with common-law privacy; and must release the remaining information. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, the department must rely on Open Records Letter No. 2020-18104 as a previous determination and withhold or release the 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,

Claire V. Morris Sloan  
Assistant Attorney General  
Open Records Division

CVMS/jxd

Ref: ID# 841134

Enc. Submitted documents

c: Requestor  
(w/o enclosures)