



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 21, 2020

Mr. Evaristo Garcia, Jr.
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR2020-21033

Dear Mr. Garcia:

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# 841775 (COM PIR W030436-060420).

The City of McAllen (the "city") received a request for the city police department's policies and procedures. The city claims the submitted information is subject to previous rulings from this office. Additionally, the city claims the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the city's submitted arguments and reviewed the submitted information.

The city states the submitted information was the subject of previous requests for information, as a result of which this office issued Open Records Letter Nos. 2017-12845 (2017), 2018-18389 (2018), and 2019-08555A (2019). We have no indication there has been any change in the law, facts, or circumstances on which the previous rulings were based. Accordingly, we conclude the city may rely on Open Records Letter Nos. 2017-12845, 2018-18389, and 2019-08555A as previous determinations and withhold or release the submitted information in accordance with those rulings. *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). As we are able to make this determination, we need not address the city's remaining argument against disclosure of the submitted information.

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,

Gerald Arismendez
Assistant Attorney General
Open Records Division

GAA/rm

Ref: ID# 841775

Enc. Submitted documents

c: Requestor
(w/o enclosures)