



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 1, 2020

Mr. L. Brian Narvaez  
Counsel for the City of McKinney  
Brown & Hoffmeister, L. L. P.  
740 East Campbell Road, Suite 800  
Richardson, Texas 75081

OR2020-21969

Dear Mr. Narvaez:

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# 842591 (ORR# P015253).

The City of McKinney Police Department (the "city"), which you represent, received a request for a specified incident report. The city states it will withhold information pursuant to sections 552.130(c) and 552.136(c) of the Government Code, Open Records Decision No. 684 (2009), and to Open Records Letter No. 2018-07366 (2018).<sup>1</sup> The city indicates it has released some of the submitted information, but claims some of the submitted

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<sup>1</sup> Section 552.130(c) of the Government Code allows a governmental body to redact the information described in section 552.130(a) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e). Section 552.136 of the Government Code permits a governmental body to withhold the information described in section 552.136(b) without the necessity of seeking a decision from this office. *See id.* § 552.136(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.136(e). *See id.* § 552.136(d), (e). Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold certain categories of information, including an e-mail address of a member of the public under section 552.137 of the Government Code, without the necessity of seeking a decision from this office. Open Records Letter No. 2018-07366 authorizes the city to withhold dates of birth of members of the public under section 552.101 of the Government Code in conjunction with common-law privacy without the necessity of requesting an attorney general's decision. *See* Gov't Code § 552.301(a); Open Records Decision No. 673 at 7-8 (2001).

information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

We note some of the submitted information, including the information that the city seeks to withhold under common-law privacy, was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2020-18132 (2020). We have no indication the law, facts, or circumstances on which the prior ruling was based have changed. Accordingly, the city must rely on Open Records Letter No. 2020-18132 as a previous determination and withhold or release the information at issue in accordance with that ruling.<sup>2</sup> The city must release the remaining information.<sup>3</sup>

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,

James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/be

Ref: ID# 842591

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>2</sup> 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).

<sup>3</sup> Because the requestor has a special right of access to the information being released, the city must again seek a decision from this office if it receives another request for the same information from another requestor. See Fam. Code § 261.201(k).