



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 21, 2020

Ms. Sherry Phelps Vital
Assistant City Attorney
City of Port Arthur
P.O. Box 1089
Port Arthur, Texas 77641-1089

OR2020-23730

Dear Ms. Vital:

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# 844560.

The City of Port Arthur (the "city") received a request for information pertaining to a specified incident. The city states it has released some information to the requestor. The city claims the submitted information is subject to a previous determination. Alternatively, the city claims the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the city's arguments and reviewed the submitted information.

Initially, we note some of the submitted information is not responsive to the instant request because it does not pertain to the incident specified in the request. This ruling does not address the public availability of the non-responsive information, which we have marked, and the city need not release it in response to the request.

The city asserts, and we agree, the responsive information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2020-10818 (2020). In that ruling, we determined, with the exception of the basic information, the city may withhold the submitted 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 previous ruling was based. Accordingly, we conclude the city may rely on Open Records Letter No. 2020-10818 as a previous determination and withhold or release the responsive 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). As we are able to make this determination, we need not address the city's remaining argument against disclosure of the responsive 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 A. Arismendez
Assistant Attorney General
Open Records Division

GAA/jxd

Ref: ID# 844560

Enc. Submitted documents

c: Requestor
(w/o enclosures)