KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 8, 2020

Mr. Kevin Bailey
Assistant City Attorney
City of Midland
P.O. Box 1152
Midland, Texas 79701

OR2020-25414

Dear Mr. Bailey:

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# 847691 (Ref. No. M030905-072020).

The City of Midland (the "city") received a request for certain information relating to a specified accident involving the requestor's client. You state the city released some information to the requestor. You claim some of the requested information was not properly requested pursuant to section 1701.661 of the Occupations Code. You also claim the requested information is subject to a previous ruling by our office or, in the alternative, is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered your arguments.

You state, and we agree, the responsive information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2020-21752 (2020). We have no indication the law, facts, or circumstances on which the prior ruling was based have changed. Accordingly, the city must continue to rely on Open Records Letter No. 2020-21752 as a previous determination and withhold or release the requested information in accordance with that ruling.[1] *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

[1] As our ruling is dispositive, we need not address the remaining arguments against disclosure of this 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,

James M. Graham
Assistant Attorney General
Open Records Division

JMG/be

Ref: ID# 847691

c: Requestor