



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 22, 2022

Mr. Joe D. Gonzales
Civil Division – Open Records
Bexar County Criminal District Attorney’s Office
101 West Nueva Street
San Antonio, Texas 78205

OR2022-08199

Dear Mr. Gonzales:

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# 938238 (DA File# 22-0049, ME File# 21-2460).

The Bexar County Medical Examiner’s Office (the “medical examiner’s office”) received a request for the autopsy report for a named decedent. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

We note the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2022-02057 (2022). In Open Records Letter No. 2022-02057, we determined the medical examiner’s office must withhold the information at issue under section 552.101 of the Government Code in conjunction with section 81.046(b) of the Health and Safety Code and release the remaining information. We have no indication the law, facts, or circumstances on which the prior ruling was based have changed. Accordingly, the medical examiner’s office must continue to rely on Open Records Letter No. 2022-02057 as a previous determination and withhold or release the submitted information in accordance with that ruling. *See* Open Records Decision No. 673 at 6-7 (2001) (discussing criteria for first type of previous determination).

¹ We assume the “representative sample” of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

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,

Kelly McWethy
Assistant Attorney General
Open Records Division

KM/jxd

Ref: ID# 938238

Enc. Submitted documents

c: Requestor
(w/o enclosures)