



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 6, 2022

Ms. Alicia K. Kreh
Counsel for the City of Weatherford
Taylor Olson Adkins Sralla Elam, L. L. P.
6000 Western Place, Suite 200
Fort Worth, Texas 76107

OR2022-16159

Dear Ms. Kreh:

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# 951650 (ORR# W003290).

The Weatherford Police Department (the "department"), which you represent, received a request for information pertaining to a specified incident and a named police officer. You state you will redact certain information pursuant to sections 552.130(c) and 552.147(b) of the Government Code and Open Records Decision No. 684 (2009).¹ You also state you released some information. You claim the submitted information is subject to previous rulings from our office. Alternatively, you claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered your arguments and reviewed the submitted information. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

As noted above, you state, and we agree, the submitted information, which consists of video recordings, was the subject of previous requests for information, including a request in

¹ Section 552.130(c) 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 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office. *See id.* § 552.147(b). Open Records Decision No. 684 serves as a previous determination to all governmental bodies authorizing them to withhold certain categories of information without the necessity of requesting an attorney general decision. *See* ORD 684.

response to which this office issued Open Records Letter No. 2021-22790 (2021). In that ruling, we determined the department may withhold the submitted video recordings under section 552.108(a)(2) of the Government Code and must release the remaining information. We have no indication the law, facts, and circumstances on which the prior ruling was based have changed. Therefore, the department may continue to rely on Open Records Letter No. 2021-22790 as a previous determination and withhold the submitted information in accordance with that ruling.² 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).

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,

Deborah Southerland
Assistant Attorney General
Open Records Division

DS/be

Ref: ID# 951650

Enc. Submitted documents

c: Requestor
(w/o enclosures)

² As we are able to make this determination, we need not address your remaining argument against disclosure of the submitted information.