



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 14, 2022

Mr. Austin Beck
Counsel for the City of Helotes
Davidson, Troilo, Ream & Garza, P.C.
601 Northwest Loop 410, Suite 100
San Antonio, Texas 78216

OR2022-20306

Dear Mr. Beck:

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# 957396 (Request# 66147386).

The City of Helotes (the "city") received a request for information pertaining to a specified investigation.¹ You claim the requested information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim.

You inform us the requested information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2022-13548 (2022). In Open Records Letter No. 2022-13548, we determined 1) as the requestor did not properly request the body worn camera recordings at issue pursuant to chapter 1701, our ruling does not reach this information and it need not be released; 2) except for the information subject to section 773.091(g), the city must withhold the information at issue under section 552.101 of the Government Code in conjunction with section 773.091(b) of the Health and Safety Code; 3) the city must withhold all living public citizens' dates of birth under section 552.101 of the Government Code in conjunction with common-law privacy; 4) to the extent any of the individuals at issue in the remaining information are a person listed under section 552.1175(a) of the Government Code and the individual elects to restrict access to the information in accordance with section 552.1175(b) of the Government Code, the city must withhold the information at issue under section 552.1175 of the Government Code; 5) the city must withhold the motor vehicle record information under section 552.130 of the Government Code; and 6) the city must release the remaining

¹ As the city has not submitted a copy of the request for information, we take our description from its brief.

information. 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. 2022-13548 as a previous determination and withhold or release the identical information in accordance with that ruling. *See* Open Records Decision No. 673 at 6-7 (2001) (discussing criteria for first type of previous determination).

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# 957396

c: Requestor