



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 23, 2022

Mr. Robert J. Davis  
Counsel for the Collin County Sheriff's Office  
Matthews, Shiels, Knott, Eden, Davis & Beanland, L.L.P.  
8131 LBJ Freeway, Suite 700  
Dallas, Texas 75251

OR2022-25376

Dear Mr. Davis:

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# 967425 (ORR# 1600/71458).

The Collin County Sheriff's Office (the "sheriff's office"), which you represent, received two requests from the same requestor for the incident report and video and audio recordings related to a specified incident.<sup>1</sup> You state the submitted information is subject to a previous ruling from our office. You also 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 representative sample of information.<sup>2</sup>

You argue, and we agree, the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2021-36193 (2021). In that ruling, we determined, with the exception of the basic information, the

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<sup>1</sup> You state the sheriff's office sought and received clarification of the information requested. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also* *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or overbroad request for information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

<sup>2</sup> We assume that 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 that those records contain substantially different types of information than that submitted to this office.

sheriff's office may withhold the information at issue under section 552.108(a)(2) of the Government Code. You state there has been no change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, we conclude the sheriff's office may rely on Open Records Letter No. 2021-36193 as a previous determination and withhold or release the submitted 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).

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,

Tim Neal  
Assistant Attorney General  
Open Records Division

TN/mo

Ref: ID# 967425

Enc. Submitted documents

c: Requestor  
(w/o enclosures)