



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 15, 2022

Mr. Joe R. Zapata
Administration Manager
Houston Police Department
1200 Travis Street, 10th Floor
Houston, Texas 77002

OR2022-28265

Dear Mr. Zapata:

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# 972725 (Ref. Nos. P031518-061722 & P031980-062722).

The Houston Police Department (the "department") received two requests from different requestors for a specified incident report. The department claims the requested information is subject to a previous ruling from our office. The department also claims the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the submitted arguments.

The department states the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2022-21568 (2022). In that ruling, we determined with the exception of basic information, which the department must release, the department may withhold the submitted information under section 552.108(a)(2) of the Government Code. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, we conclude the department may continue to rely on Open Records Decision No. 2022-21568 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 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).

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

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,

Alexandra C. Burks
Assistant Attorney General
Open Records Division

ACB/jxd

Ref: ID# 972725

c: 2 Requestors