



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

October 3, 2022

Mr. Brian Sears  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR2022-30415

Dear Mr. Sears:

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# 976049 (PIR Nos. 22-1675, 22-2015, 22-2065, 22-2166, 22-2196, and 22-2264).

The Texas Department of Public Safety (the "department") received six requests from different requestors for information pertaining to a specified incident.<sup>1</sup> You claim the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception 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. 2022-24396 (2022). In Open Records Letter No. 2022-24396, we determined with the exception of basic information, the department may withhold the information at issue under section 552.108(a)(1) of the Government Code. We have no indication the law, facts, or circumstances on which the prior ruling was based have changed. Accordingly, the department may continue to rely on Open Records Letter No. 2022-24396 as a previous determination and withhold or release the requested information in accordance with that

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<sup>1</sup> We note the department sought and received clarification of the information requested in the first request. 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 when governmental entity, acting in good faith, requests clarification of unclear or overbroad request for public information, ten-business-day period to request attorney general opinion is measured from date request is clarified or narrowed).

ruling.<sup>2</sup> *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/pt

Ref: ID# 976049

c: Requestor

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<sup>2</sup> As we are able to make this determination, we need not address your argument against disclosure of the requested information.