



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 28, 2022

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

OR2022-33509

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# 980310 (PIR# 22-2277).

The Texas Department of Public Safety (the "department") received a request for information pertaining to a specified incident during a defined period of time. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

Initially, we note the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2022-24396 (2022). In that ruling, we determined: (1) to the extent the department previously released any of the information at issue to a member of the public voluntarily, it may not now withhold any such information from any of the requestors under section 552.108 but must, instead, release it; (2) with the exception of basic information, the department may withhold the information it marked under section 552.108(a)(1) of the Government Code; (3) the department must withhold the information it marked and the additional information we have marked under section 552.101 of the Government Code in conjunction with section 418.176 of the Government Code; (4) the department may withhold the information it marked under section 552.111 of the Government Code; and (5) the department must

¹ We assume 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 those records contain substantially different types of information than that submitted to this office.

release the remaining information. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, the department must rely on Open Records Letter No. 2022-24396 as a previous determination and withhold and release the identical 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). As we are able to make this determination, we need not address your submitted argument.

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,

Colin Henry
Attorney
Open Records Division

CEH/pt

Ref: ID# 980310

Enc. Submitted documents

c: Requestor
(w/o enclosures)