



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

December 12, 2022

Mr. Jeremy Anato-Mensah  
Assistant City Attorney  
City of Fort Worth  
200 Texas Street, 3rd Floor  
Fort Worth, Texas 76102 – 6311

OR2022-38415

Dear Mr. Mensah:

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# 989356 (PIR No. P011577-091522).

The City of Fort Worth (the “city”) received a request for information pertaining to a specified incident. You state the city will release some information. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. Additionally, you state, and provide documentation showing, the city notified the family of a deceased individual of the right to submit comments to this office explaining why the information at issue should not be released. *See* Gov’t Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have considered the claimed exception and reviewed the submitted information.

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. 2022-16799 (2022). In that ruling, we determined, in pertinent part, the city must withhold the submitted photographs under section 552.101 of the Government Code in conjunction with constitutional privacy and the holding in *Favish*. 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 city may continue to rely on Open Records Decision No. 2022-16799 as a previous determination and withhold the submitted information in accordance with that ruling.<sup>1</sup> *See*

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<sup>1</sup> As our ruling is dispositive, we need not address the submitted arguments against disclosure of the submitted information.

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,

Pearlie Gault  
Assistant Attorney General  
Open Records Division

PG/pt

Ref: ID# 989356

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Third Party  
(w/o enclosures)