



October 9, 2001

Mr. H. Louis Nichols
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
Attorneys & Counselors At Law
1800 Lincoln Plaza
500 North Akard
Dallas, Texas 75201

OR2001-4563

Dear Mr. Nichols:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 152991.

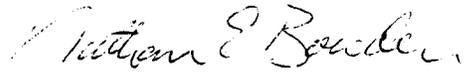
The City of Hutchins Police Department (the "department"), which you represent, received requests for police and witness statements relating to a specific incident as well as information concerning what the suspect in the incident looks like. You indicate that this request covers the same matters that a previous request for information from the same requestor covered. As with the previous request, you claim that the requested information is excepted from disclosure under section 552.108 of the Government Code, section 58.007 of the Family Code, and common law privacy. We have considered the exceptions you claim and reviewed the submitted information.

You indicate that a previous request for a decision from this office covers the same matters as the requestor's current request. Indeed, from our review of the requests and the submitted information, we believe that the current requests encompass some of the information that was at issue in your previous request for a decision. In our previous decision concerning this information, Open Records Letter No. 2001-4344 (2001), we found that the information at issue is confidential under section 261.201 of the Family Code and must be withheld under section 552.101 of the Government Code. Because the four criteria for a "previous determination" established by this office in Open Records Decision No. 673 (2001) have been met, the department may rely on Open Records Ruling No. 2001-4344 (2001) to

withhold the requested information.¹

If you have any questions about this ruling, please contact our office.

Sincerely,



Nathan E. Bowden
Assistant Attorney General
Open Records Division

NEB/er

Ref: ID# 152991

Enc: Submitted documents & Open Records Letter No. 2001-4344 (2001)

c: Ms. Mary Ross
129 Crockett Street
Hutchins, Texas 75141
(w/OR2001-4344)

¹The four criteria for this type of "previous determination" are 1) the records or information at issue are precisely the same records or information that were previously submitted to this office pursuant to section 552.301(e)(1)(D) of the Government Code; 2) the governmental body which received the request for the records or information is the same governmental body that previously requested and received a ruling from the attorney general; 3) the attorney general's prior ruling concluded that the precise records or information are or are not excepted from disclosure under the Act; and 4) the law, facts, and circumstances on which the prior attorney general ruling was based have not changed since the issuance of the ruling. *See* Open Records Decision No. 673 (2001).