ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 4, 2005

Mr. Don Hatcher
Chief
Leander Police Department
P. O. Box 319
Leander, Texas 78646-0319

OR2005-03870

Dear Mr. Hatcher:

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# 223362.

The Leander Police Department (the "department") received a request for all information released in response to another requestor's previously submitted open records request. You claim that the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note that most of the submitted information is subject to a previous ruling issued by this office. In Open Records Letter No. 2004-10042 (2004), this office determined that with the exception of information protected under common law privacy and section 552.117 of the Government Code, the department must release a specified complaint investigation to the requestor. The present request seeks the exact information released pursuant to this prior ruling. Upon review of the submitted information, we conclude that the department must release to the requestor the information released pursuant to that prior ruling. *See* Gov't Code § 552.301(f); Open Records Decision No. 673 (2001) (addressing circumstances under

which governmental body can rely on prior ruling as previous determination under Gov't Code § 552.301).[1]

We note that you have submitted two additional documents not at issue in Open Records Letter No. 2004-10042. However, as you have raised no exceptions to disclosure for this remaining submitted information, and this remaining information is not otherwise confidential by law, you must release it to the requestor.

This letter ruling is limited to the particular records 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 records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Tex. Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

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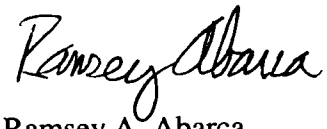
[1] These records contain information relating to the requestor that may be excepted from disclosure under section 552.117 of the Government Code. The department must request another ruling from our office if it receives a future request for this information from an individual other than this requestor or her authorized representative.

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Ramsey A. Abarca
Assistant Attorney General
Open Records Division

RAA/jev

Ref: ID# 223362

Enc. Submitted documents

c: Ms. Kristin Molina
2101 South Lakeline Boulevard #417
Cedar Park, Texas 78613
(w/o enclosures)